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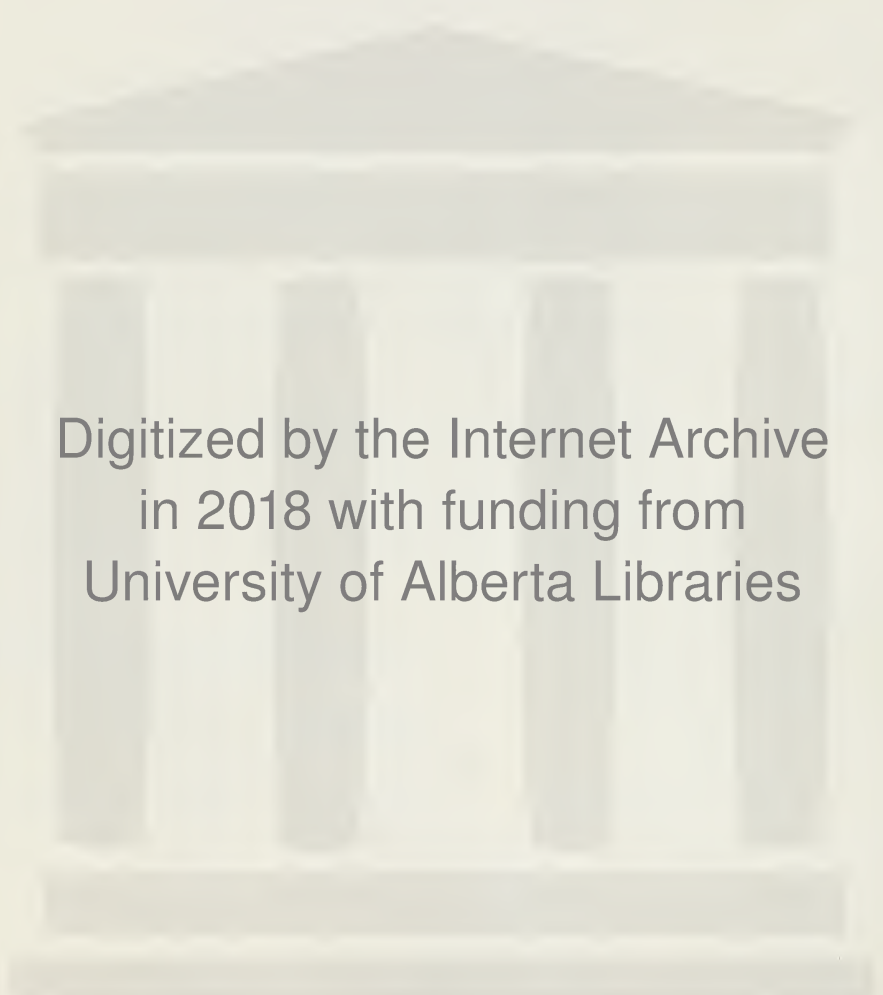
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UNITED NATIONS COMMISSIONS
IN THE
PACIFIC SETTLEMENT OF DISPUTES

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THE EMPLOYMENT OF MILITARY OBSERVERS
WITH PARTICULAR REFERENCE
TO THE
CANADIAN CONTRIBUTION

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10 AUGUST 1954

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P R E F A C E

In the preparation of this study, the writer has recalled with pleasure the fifteen arduous and interesting months which he spent on the Indian sub-continent whilst he was serving as a member of the United Nations Military Observer Group in Kashmir. He recognizes the sympathy extended to him by those fellow Canadian ex-Observers whom he contacted during the course of preparing this study.

The writer acknowledges, most gratefully, the assistance given to him by various departments of the Government of Canada during his search for reference materials, and wishes to mention specifically: the Defence Liaison (1) and the European Divisions and the United Nations Librarian in the Department of External Affairs; the Directorate of Army Personnel and the Director of the Bureau of Current Affairs in the Department of National Defence; and the Geographical Branch of the Department of Mines and Technical Surveys. He also wishes to thank the Royal Canadian Engineers in both Ottawa and Edmonton for helping him in the mechanical preparation of the appendices attached to this work.

It was anticipated at one stage of this study that considerably more space in its content would be devoted to consideration of the Indo - Pakistani dispute over the accession of the State of Jammu and Kashmir. With that in view, the First Secretaries and the Information Officers of the High Commissions of both India and Pakistan in Canada provided a vast amount of interesting and useful material on the background and current developments in the Kashmir situation. The writer apologizes to them for apparently having overlooked much detail of deep concern to them.

The writer is not unmindful of the assistance given to him by the members of the Faculty of the University of Alberta, and the staff of the Rutherford Memorial Library, who have encouraged him in pursuing this work to its conclusion; nor does he overlook the help rendered by the members of his family, who have been remarkably patient throughout the preparation of this undertaking. He is particularly grateful to his wife for her suggestions from time to time, and for her assistance in compilation of the bibliography and in the assembling of the appendices.

University of Alberta,
Edmonton,
1954.

I N T R O D U C T I O N

Special commissions were established by the League of Nations at different times to assist in the efforts of that organization to obtain the peaceful settlement of international disputes. Similarly, commissions have been set up by the United Nations in many parts of the World where international disputes have threatened peace and security, and some of these have continued to function, with varying degrees of success, over considerable periods. Associated with a number of such commissions there have been established Military Observer Groups, the personnel of which have been charged with the responsibilities of carrying out on behalf of the commissions strictly military aspects of the purposes for which each of the different commissions was established.

It is intended, in this paper, to describe how the employment of military observers by the United Nations came into being, for what purposes their functions were created, the manner in which they carry out their rôle, and with what effect. It is hoped to demonstrate, in the last instance, that the employment of military observers by the United Nations, within the limits of their terms of reference, has become recognized as a necessary and valuable part of the function of the commissions established by the United Nations to assist in obtaining and maintaining international peace. Finally, the considerable contribution being made by Canada through the loan of military personnel to the United Nations for this purpose will be described, with an indication being given of the probable requirement for Canada to increase the commitment in this respect.

Because the employment of military observers is associated directly with the endeavours of such organizations as the United Nations toward the maintenance of international peace and security, it seems proper to approach a study of their functions through a brief consideration of the history of the concept of Collective Security^{and} the principles of the United Nations' Charter under the application of which their function is conceived and established.

The idea of a community of states, established by nations joining themselves together in a concert of states to provide a form of collective security, is not as new as people generally are led to believe. The protection^{of} citizens within the state from violence and wrong is secured by the power of the whole state or community acting through the apparatus of law, which is pledged to the defence of each citizen. But the application of this principle to the relationships of sovereign states has always proved difficult, although it has been attempted at intervals ever since the days of the Greek city states.

Nations have been more afraid of losing their sovereignty or independence through entering into arrangements for collective security than they have been of foreign aggression; they have preferred the risks of single-handed defense to the obligations which go with collective defense; or they have been sceptical of the dependability of widespread collective guarantees. This is almost as true today as it was a century ago.

Three plans for the federation of states for the maintenance of peace were drawn up in early modern times which are particularly worthy of

note in the influence they have exercised on the present day organization of the society of nations. In 1713 L'Abbé de St.Pierre, impressed by the difficulties attending the settlement of peace at the Conference of Utrecht, published a scheme for the abolition of war. He urged that the twenty-four Christian States of Europe should form themselves into a perpetual alliance for their mutual security. The allies were to renounce the right of making war against each other and were to resolve their differences by first seeking reconciliation through the mediation of the rest of the members of the alliance. In the event of failure in mediation, the disagreement was to be referred to a "Senate of Peace", a permanent and compulsory arbitral court. St.Pierre provided for sanctions against any state which refused to comply with the award of the Senate by requiring that the rest of the alliance would arm and act offensively against the contravening state. ✓

In 1793 Jeremy Bentham published a plan which he based upon two fundamentals. The first of these principles was the reduction and fixation of the forces of the several states comprising the Concert of Europe; the second required emancipation of the colonial dependencies of each state. Bentham called for the establishment of an International Court of Judicature for the settlement of disputes between the states, and for a common legislature in which would be recorded the resolutions agreed to by the member-states. He was of the opinion that the power of public thought, provided that secret diplomacy was suppressed, was the most powerful instrument for the sanction of his resolutions.

The project for a perpetual peace, published by Immanuel Kant

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1. Encyclopaedia Britannica, 1951, Vol.17, p.413, and Vol.19, p.853.

in 1795, developed on more general and universal lines the concept of a federation of states. His first condition for perpetual peace required that every state adhering to the league must have a constitutional government whereby every citizen would participate, through his representatives, in the legislative power of his state. The second condition was that the federation must be of free states which would submit themselves to obligatory public laws, and that these laws would gradually extend so as to include ultimately all the peoples of the world. This scheme, which demanded that independent states renounce at least a part of their individual sovereignty, much as private citizens have renounced theirs within the state, was one of the first ideas of an organization which would include all nations, and not just the Christian or the European states. ^{2/}

Twenty-six states participated at the Hague Conference in 1899, when, for the first time, nations gathered together in a congress of which the primary purpose was an attempt to find means to maintain peace. ^{3/} Although they failed to achieve the disarmament for which the conference had been called originally by the Czar of Russia, their concerted deliberations resulted in the Convention for the Pacific Settlement of International Disputes. The Second Peace Conference, held at The Hague in 1907, brought together representatives of forty-four states -- practically all of the World's then independent nations -- re-affirmed the Convention, and developed it further.

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2. Immanuel Kant was a realist, and showed in his "Theory of Perpetual Peace" that he knew that accomplishment of his idea must necessarily be a slow process, requiring the gradual changing of the concepts of nations.
3. The Congress of Vienna, 1814-15, and the Congress of Berlin, 1878, both discussed the maintenance of peace at length, but this was secondary to the main purposes for which they had been assembled.

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The Hague Convention advocated three methods for the prevention of war. The first was mediation. Although mediation, as such, had been used effectively previously, and had been provided for in the Peace Treaty of Paris, 1856, and in the Berlin Act, 1885, the Hague Convention made it applicable to all conflicts and recognized that any state had the right to offer its good offices or mediation in a conflict. The second method, that of arbitration, has proved itself to be the most satisfactory for the Pacific Settlement of International Disputes. The use of arbitration increased steadily after the Napoleonic War and, under the impetus given it at the First Hague Conference, developed into the "most equitable and efficacious" means for the preservation of peace. Thirdly, the Hague Peace Conferences recommended the setting up of International Commissions of Inquiry to investigate conditions which might lead to an outbreak of hostilities, and with the facts of which the parties were insufficiently acquainted. This method was used for the first time in the Dogger Bank incident of 1904, and almost certainly was of importance in helping to avoid war between Great Britain and Russia.

The Peace Conference which terminated the First World War, 1914-18, established as an integral part of the treaties a league which represented a very real attempt to organize a "community of states" through a written charter -- the Covenant of the League of Nations. One of its main purposes was to detect the first menace of conflict and, by opportune action, to prevent recourse to arms. Article 11 of the Covenant declared that any war, or threat of war, was a matter of concern to the whole League. Further, it empowered the League to take any action that might be deemed wise and effectual to safeguard the peace of the World. Article 12 of the Covenant provided that, if members found that a dispute between them might lead to a

rupture, they were to refer the matter to arbitration or judicial settlement or to inquiry by the Council. And Article 14 provided for the establishment of a Permanent Court of International Justice. ^{4/} This then enabled member-states to refer a dispute to any of three different kinds of jurisdiction, arbitral, political or judicial.

Jeremy Bentham is believed to have been one of the first to advocate the codification and development of international law as an important basis for securing perpetual peace among civilized nations. From then until the two Peace Conferences at The Hague a number of attempts were made to obtain the enactment of universal laws which would be binding on all nations of the World for the preservation of peace. Both of the Hague Conferences produced conventions which were models of their kind, and the conferences of the Pan-American Union (now the Organization of American States) adopted articles of the same kind, which contributed to the rules for keeping the peace. The League of Nations directed attention to the problem and established the Committee of Experts for the progressive codification of International Law. This body began the heavy task of gradually developing an international code, and the work continues within the framework of the United Nations.

When abandonment of the principle of the Balance of Power by Great Britain contributed to the outbreak of the First World War, Herbert Asquith (the British Prime Minister at the time) expressed the hope that the "unstable equilibrium" of this form of collective security would be replaced by a European "concert" which would guarantee to all states

4. The United Nations at Work; Basic Documents, World Peace Foundation, Boston, 1947, Appendix, pp.137-9.

security against aggression. The same thought was expressed later by Woodrow Wilson when he urged that the principle of "balance of power" be succeeded by one of "community of power",ⁱⁿ an organization that would "play no favourites". In this sense the power seeking to prevent war would have to stand behind the law set up to prohibit war, rather than behind the parties to the conflict. This principle became most apparent in the Locarno group of treaties which were designed, in part, to complete the work of the League of Nations.

In the Second World War, 1939-45, common and collective war against aggressors was waged by thirty states under the common name of "The United Nations". Some of these nation-states were not under the actual threat of aggression when they elected to go to the assistance of those others which were; nor, indeed, were some of them ever attacked physically by those whom they named as aggressors. It must be remarked at this point that some of these lesser powers entered the war on the side of the Allies in its later stages because they interpreted the fifth declaration in the Atlantic Charter of 14 August 1941, and the Declaration by the United Nations signed at Washington on 1 January 1942, as an implication that if they did not declare themselves to be on the side of the United Nations they would suffer economically after the conclusion of the war. 5/

This union of nations which was fighting against the so-called Axis powers is not to be confused with the League of Nations. Although the latter remained alive in little more than name, it continued to exist

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5. This was particularly true of the nations in South America which declared war on the Axis Powers in the later stages of the conflict.

until its successor organization came into being and was able to carry on its functions with more youthful vigour, with more support. The nations which were united against Germany, Italy and Japan in the Second World War included the United States of America, which had never become a member of the League of Nations, and the Union of Soviet Socialist Republics, which had been expelled from the League on 14 December 1939 as a result of its invasion of Finland.

The rôle of the new world organization, which all of these nations agreed should be established at the end of the war, was decided by the three great powers (Great Britain, the United States of America, and the Soviet Union) at the Dumbarton Oaks Conference, 21 August to 7 October 1944, at which China^{not} was represented. This decision was further consolidated by the same three great powers at the Yalta Conference held 4-11 February 1945. Although the present world organization is entirely different to the wartime alliance, the name of the latter -- The United Nations -- was carried forward into the alliance which they set up after the war was concluded with the express intention for the maintenance of international peace and security.

The founding meetings of the United Nations, as an organization, were held at San Francisco between 25 April and 26 June 1945. By that time the thirty states which had fought as a team during the preceding period had added to their numbers until, when the Charter of the United Nations was finally drawn up, it was signed on 26 June 1945 by fifty nations. The Charter came into force on 24 October 1945 when it had been ratified by more than two-thirds of its signatories (including the original three great powers and China and France which had been added to them). Substantially, the core of the Dumbarton Oaks Proposals remains the basis of the new organization, which resembles closely in its function similar bodies in the League of Nations.

The United Nations was constituted as an organization open to all peace-loving nations of the world, on the basis of the principles of sovereign equality. It was not intended to be a world-parliament, or a federal government of the world. Rather, its purposes were defined briefly as: the maintenance of international peace and security; the development of friendly relations among nations; the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character; and to be a centre for harmonizing the actions of nations in the attainment of these common ends.

Towards achieving these ends, the Charter provided that there should be six principal organs of the United Nations. The General Assembly, the only principal organ composed of all the members of the organization, each of whom has one vote, has the right of discussing all matters within the scope of the Charter and of making recommendations on them. Eleven members of the United Nations form the Security Council, on which five of the seats are allotted permanently to China, France, the Soviet Union, the United Kingdom and the United States of America, whilst the remaining six seats are held for two years by members of the organization elected by the General Assembly. The Security Council is entrusted with the primary responsibility for the maintenance of peace and security, in which it is worth noting that its functions are more specific than were those of the Council of the League of Nations and it is given the means of enforcing its decisions relating to the pacific settlement of disputes and the prevention of aggression. Decisions in the Security Council, on all matters other than those of procedure, require an affirmative vote of seven members including all the permanent members. In effect, this gives the permanent members the right of veto.

Since the purpose of this particular study falls within the purview of the primary function of the Security Council, and because the majority of the cases to be considered herein have been dealt with by that Council, it is apt to remark briefly on the exercise of the right of veto in these cases of dispute. With the sole exception of the occasion on which France voted negatively during debate on the Indonesian Question (as will be described in the course of consideration of that problem), the right of veto has been exercised only by the representatives of the Soviet Union. Contrary to the generally held opinion that this tactic is always employed by the Soviets with the intention of frustrating the so-called Western powers, a study of the arguments presented by the Russians during debate in the Security Council on the disputes with which this paper is concerned shows that in several such they have used the veto to enforce their stand that the action proposed by the Council lacked the firmness really demanded by the facts of the case. The Soviet Union called for much stronger measures to be employed to break the continuation of hostilities than those which were proposed by other members of the Council, and which the Soviets considered to be compromise half-measures in a number of cases. In this respect it may be said that the Soviet Union employed the veto as a "positive" measure for obtaining action. Several such occasions will be mentioned in this study.

In addition to the two principal organs mentioned above, the Economic and Social Council of eighteen members elected by the General Assembly was established to promote respect for, and observance of, human rights and fundamental freedoms for all. It is to initiate studies and make recommendations in respect of these. The Trusteeship Council -- which was not included in the Dumbarton Oaks Proposals, just discussed at the Yalta Conference, but

was added as an entirely new section at the United Nations Conference on International Organization at San Francisco -- replaces the Permanent Mandates Commission of the League of Nations, although the territories within its competence are not named. However, it was given somewhat more extensive powers than the latter. The fifth organ, the International Court of Justice, was based on the Permanent Court of International Justice set up by the League, and its statute follows very closely that of its precursor. Finally -- of importance in the administration of the United Nations military observer groups -- the organization was completed by the establishment of a Secretariat, supervised by a Secretary-General appointed by the General Assembly on the recommendation of the Security Council.

The first Secretary-General of the organization, Mr. Trygve Lie, envisioned the work of the United Nations toward the maintenance of peace and security partly thus:

"What the founders of the United Nations did believe was that the United Nations would make it possible to keep disputes between both great and small Powers within peaceful bounds, and that without the United Nations this could not be done.... They rejected the idea of an irreconcilable conflict that could be settled only on the field of battle, and proclaimed on the contrary the principle that all conflicts, no matter how fundamental, should and could be settled by peaceful means...." ✓6/

In fulfilling its primary responsibility for the maintenance of international peace and security, the Security Council, during the eight and a half years of its existence, has considered and dealt with a considerable number of major political questions. Some of these questions have been of such intricacy that the Council has deemed it advisable to establish

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6. "Introduction to the Annual Report of the Secretary-General on the Work of the Organization, 1 July 1948 - 30 June 1949", in International Conciliation, (September 1949), p. 589.

commissions to investigate the facts in the disputes, and, in some cases, to try to effect mediation. In certain cases the disputes had progressed to the outbreak of hostilities. In such questions the Security Council charged the commissions with the bringing about of the cessation of hostilities, with the establishment of cease-fire lines, with arranging the terms of truce, and with the observation and supervision of the carrying out of those terms. In nearly all of those disputes in which actual fighting has broken out between the conflicting parties, the commissions set up by the United Nations have found it of important value to obtain the assistance of military observers to supervise and report upon the observance of the cease-fire orders.

The amount of success which has attended these endeavours has been indicated by another writer, who stated recently:

"Much space has been taken up in discussing the cold war because it is the central political issue of our time. But there are many other important conflicts of interest between States. In some of these the United Nations has played a vital part; in Palestine and Kashmir, for example, by conciliation and mediation, shooting wars have been stopped and we may hope that in time final settlements will be reached which will enable the parties to these disputes to live in harmony. With the help of the United Nations Greece has been able to quell the rebellion which was inspired and fed by her neighbours; the question of the disposal of the ex-Italian Colonies has been settled; the State of Indonesia has been born; something has been done to help remove the threat to Burma from foreign troops within her territory. In disputes of this sort between smaller Powers the United Nations is able to function as it was intended by its founders and on the whole it has done well...." ✓

Canada has played a significant rôle within the United Nations, and, in this particular function of the organization, has contributed her full share of personnel to serve as military observers attached to three

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7. "Can the United Nations keep the Peace?", The Round Table, No.174 (March 1954), p.134.

of the more important of the commissions set up by the United Nations for the peaceful resolution of international disputes, namely, the question of the unification and independence of Korea, the question of the future government of Palestine, and the question between India and Pakistan of the accession of the State of Jammu and Kashmir. In view of the success which has attended Canadian commitments in this field it is probable that in the future Canada will be called upon to contribute still further; however, this possibility is postponed indefinitely because of the heavy commitment accepted by Canada in the supervision of the truce in Indochina. This responsibility was assumed by the Canadian Government just two weeks before the completion of this paper.

As the function of the International Supervisory Commissions for Vietnam, Laos and Cambodia, which were established as a result of the cessation of hostilities in those three countries following agreements reached at the Geneva Conference on Indochina (which concluded its work 20 July 1954) will follow very closely the pattern of commissions set up by the United Nations for the supervision of truce provisions, and as Canada is not only one of the three member-states of the commissions but also is supplying a large number of observer personnel in this region, this question will be touched upon briefly in the course of this study. V8/

The purpose of this paper, then, is to view the broad background against which Canadian military personnel have been working in attachments to various truce commissions of the United Nations, the manner of their function, some of the problems with which they are faced, and to consider how these may be dealt with.

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CHAPTER I

THE FUNCTION OF THE UNITED NATIONS
 IN RESPECT OF THE
 PACIFIC SETTLEMENT OF DISPUTES

"We the peoples of the United Nations determined to save succeeding generations from the scourge of war... to reaffirm faith in fundamental human rights... to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained... to promote social progress and better standards of life... and for these ends to practice tolerance and live together in peace with one another as good neighbours... to unite our strength to maintain international peace and security, and to ensure... that armed force shall not be used, save in the common interest... have resolved to combine our efforts to accomplish these aims...."

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In these words, written into the Preamble of the Charter of the United Nations, sixty nations of sovereign equality have accepted the obligations of membership in that organization, knowing that the purposes of the United Nations include the requirement for its member-states to:

"... maintain international peace and security... take effective collective measures for the prevention and removal of threats to the peace... bring about by peaceful means... adjustment or settlement of international disputes or situations which might lead to a breach of the peace... develop friendly relations among nations... achieve international cooperation...."

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1. The United Nations at Work; Basic Documents, World Peace Foundation, Boston, 1947, p.18. (Part of the Preamble to the Charter of the United Nations, which is quoted more fully in Appendix "A" of this paper.)
2. Ibid., p.19. (Part of Article 1 of the Charter of the United Nations, which, with Article 2, is quoted in full in Appendix "A".)

During the passage of a generation since the members of the League of Nations agreed to the Covenant of the League, and thereby accepted purposes and principles very like those above, a certain amount has been written about the successes and the failures that have attended the attempts to make effective the principle of Collective Security. Rather more has been written about the Pacific Settlement of Disputes, a subject contained within the former, and a considerable amount of study has been devoted by a small field of investigators relating to International Law, and to other special facets of the problems associated with the main subject, but the whole picture has not yet been drawn. In fact, a great deal of investigation into the application of the principle of Collective Security remains to be done in a methodical manner extended over a long period. ✓³

In the first of its two active decades the League of Nations dealt with more than thirty disputes of international character. These varied widely in the gravity of their questions, and, in most cases

3. The work of the Interim Committee of the General Assembly of the United Nations includes "Studies on Methods for the Promotion of International Co-operation in the Political Field". On 31 March 1949, sub-committee 6 of this body began a systematic study of two questions:

- (a) The Organization and Operation of United Nations Commissions;
- (b) The Settlement of Disputes and Special Political Problems by the General Assembly.

In this regard, reference is made to the following two reports:

- (1) United Nations, Report of the Interim Committee of the General Assembly (31 January - 17 August 1949); General Assembly Official Records: Fourth Session, Supplement No.11. (U.N. Document No.A/966.)
- (2) United Nations, Report of the Interim Committee of the General Assembly (Third Session: 16 January - 18 September 1950); General Assembly Official Records: Fifth Session, Supplement No.14. (U.N. Document No.A/1388.)

resulted from the aftermaths of the First World War. The majority of these disputes were handled in the Council of the League, some in the Assembly, and the remainder by special commissions. Examples of the breadth of field covered by these disputes are provided by the controversies over the Åland Islands in 1920-21, Upper Silesia in 1921-22, Corfu in 1923, and the Graeco-Bulgarian frontier between 1925 and 1927.

In the second ten years the number of international disputes brought before the League of Nations was noticeably reduced, but they tended to become more serious in character and in their world-wide repercussions. Termed "incidents", each of the following examples contributed its share toward the outbreak of the Second World War, when the situation in Europe, from 1936 onwards, became altogether too much for the vitiated League. Thus the hostilities in Manchuria, 1931-33, in Ethiopia, 1935-36, in Spain, 1936-39, and in China from 1937 on, were tests of the adequacy of the League of Nations to maintain international peace through mediation, arbitration and other pacific means.

It must not be thought that, because its record in this particular activity was far from impressive, the League of Nations was a ^{predestined} failure in its political work. The failure to stop Japan in the conquest of Manchuria, and to halt Italy in her attack upon Ethiopia, were indeed catastrophies for the League, and represented the collapse of the plans for collective security. However, this failure was not the fault of the plans, but rather a condemnation of the member-states which refused to carry the responsibilities of their obligations.

All through its first ten years the League grew steadily in stature and in effectiveness. By 1930 it had gained a considerable amount of experience in the pacific settlement of disputes, to say nothing of its growth in the handling of social problems, minority protection and even disarmament. When a special meeting of the Assembly of the League voted on 18 April 1946 to dissolve the League of Nations, and to transfer its assets to the United Nations, there was nothing in the books about the priceless asset of experience that was transferred from the one organization to the other. Many of the pains of development suffered by the League were never faced by the United Nations because of the former's experience which was passed on to the benefit of the latter.

Yet, remarkably, one particular activity in which the new world organization did not at first always demonstrate a gain from the work of its predecessor was in the composition of special commissions set up by it to assist in the settlement of international disputes through peaceful means. Thus, when finally, on 10 December 1931, the Council of the League of Nations resolved to appoint a commission which should investigate the Sino-Japanese conflict in the Far East, it designated representatives of Great Britain, Italy, France, Germany, and the United States -- the important powers then members of the League, plus the United States of America. On 2 October 1932 the Lytton Report (named after the Earl of Lytton who was chairman of the commission) was submitted. On 6 December 1932 a Special Assembly of the League met to consider the Sino-Japanese dispute, and to hear representatives of the conflicting parties. The matter was then referred to a committee of nineteen members. Up to the unfortunate conclusion of the investigation and final report, which led to the withdrawal of the Japanese delegation from the League of Nations, the procedure set a pattern which

has been followed on a number of occasions by the Security Council of the United Nations. Nevertheless, although the Lytton Commission has been acknowledged as particularly successful in its function, several of the earlier similar commissions established by the Security Council were set up ignoring one of the strengths of the Lytton Commission -- that it was composed of all the important powers within the League, and even included the United States which was attached from outside the League.

Most of the commissions set up by the United Nations in this field of work have been composed of relatively few members, five being the usual number. This has been done in most cases because smaller bodies usually accomplish their work more expeditiously than more unwieldy groups. However, considering the length of time devoted to their function by the majority of such commissions in the past six years, it is questionable whether this reason is justifiable. The manner in which the Commissions for Indonesia and for Palestine were established, for example, taking advantage of the presence of consular representatives at the time within the disputed areas, automatically excluded some of the important members of the Security Council such as the Soviet Union. This fact worked to the detriment of the ultimate function of the Commissions concerned.

Before proceeding on to a brief consideration of as many as possible of the questions of international dispute which have threatened to break, or have broken the peace between nations, and which have been placed before the United Nations for settlement, it would seem to be advisable to attempt a very restricted survey of the international atmosphere in which the world organization must carry out its task. ✓₄

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4. The following remarks are based upon various speeches by Mr. Trygve Lie, first Secretary-General of the United Nations.

After the United Nations Conference on International Organization was held at San Francisco from 25 April to 26 June 1945, concluding with the signing of the Charter, the first session of the General Assembly was convened in London on 10 January 1946. With fifty-one states represented, the first part of this session devoted itself almost entirely to organizational activities until its adjournment on 15 February 1946. The second part of the session was re-convened in New York City on 3 September 1946, and entered hopefully upon the second experiment in world organization for the facilitation of international co-operation and the prevention of war.

One of the earliest items of business on the agenda of the first session of the General Assembly was the election of the six states which would be the first non-permanent members of the Security Council -- Australia, Brazil, Egypt, Mexico, the Netherlands, and Poland. Since the primary responsibility for the maintenance of international peace and security had been delegated to the Council, this body went into permanent session immediately. The first important political problems, resulting from post-war frictions, were referred to it immediately, including the questions of Iran, Greece, Indonesia, and Syria-Lebanon.

In the ensuing eight and a half years there has been a continuous series of such problems. Some have been settled successfully, some quickly, others after protracted negotiations; others remain unresolved after as long as seven years, such as the questions of Palestine, and of the future of Kashmir. Nevertheless, the United Nations already has accomplished more than ~~the gains made by~~ the League of Nations on similar problems. Yet, it is said that the situation today is not changed in any fundamental way for the better, that the Security Council is failing in its designated task.

The tensions and conflicts between the "Western" powers and their supporters on the one hand, and the Soviet Union and its allies on the other, which developed from the closing phases of the Second World War, have persisted both inside and out of the United Nations. The outward expressions of these strains have fluctuated in intensity from time to time, but the sense of distrust has continued. Yet, in spite of this difficult atmosphere, constructive efforts have been made in behalf of peace, of progress, and of security for the future.

In the absence of relaxation of the so-called "cold war" between the two opposing ideologies of West and East, the building up of armaments and of armed forces has proceeded on a great scale, and has strengthened the ability of many nations to defend themselves against attack. In a military sense, then, the situation is more balanced than it was before. But this has occurred at the expense of the United Nations purpose to bring about disarmament. A greater penalty, in a practical sense, has been the fact that the balancing up of military strengths has been accomplished only at heavy cost. This has caused economic difficulties because of the diversion to armaments of resources which might otherwise have been used more fully for the expanding of world economy and of creating higher living standards in many countries. ✓5

The dangerously deep divisions in the world at the present time are probably most apparent in this armaments race, but they appear also in

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5. Speaking in August 1951, Mr. Trygve Lie applied this remark to "all" countries. In so doing it would seem that he overlooked the fact that in some countries, notably the United States, the return to armaments production enabled continued employment of labour at rates of pay higher than would have obtained otherwise. Had this not occurred the demand for consumer goods (reflecting the standard of living) would have declined in a noticeable block of the population.

the intense ideological conflicts over the nature of society and of state; and in the strains and stresses between the interests of the developed countries, and the great national and social awakening of the peoples in the under-developed countries. In this charged environment, the attitude of the Western Powers seems to have become one of unswerving development of military and economic strength, to be held in support of collective security against armed aggression. If these powers attain the strength to which they seem to have been aiming recently, this may be held in the background so that the influence of the United Nations and its various agencies will act in the most stubborn disputes and dangerous situations to keep the conflicting parties talking instead of fighting. In fact, in a number of the disputes which have come before it, the United Nations has been successful in much this way in keeping the way open for mediation, for negotiation and for agreement.

The final test of effective collective security would seem to be that a sufficient number of governments of states which are members of the United Nations are firmly committed in their policies to join in resisting armed aggression. In doing so, wherever it occurs, they must have at their disposal military power strong enough to strike back with punishing effect against any aggressor nation, or group of nations. It is believed that the combination of such a policy and the strength to support it will achieve collective security eventually because no nation will dare to commit an act of aggression and face the determined consequences.

The history of the 1930's shows clearly that the failure to act against aggression serves only to undermine faith in the principle of collective security everywhere. It reduces the military significance of

regional treaties so that they lose their deterrent powers, until, in the end, further adventures in armed aggression are encouraged elsewhere. Thus the United Nations' successful resistance to the aggression in Korea has increased the security of all those nations which desire to live in peace, both by the act of resistance in itself, and by the inevitable increase of deterrent military power available now against the threat of any future armed aggression.

Obviously, the remarks expressed in the immediately preceding pages refer particularly to "Action with respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression" as provided for in Chapter VII of the Charter of the United Nations; in other words, they refer to "Use of Force". Actually, as pointed out earlier in this paper, Collective Security includes within its principles the purpose of "Pacific Settlement of Disputes" as provided for in Chapter VI of the Charter. Since this study is concerned entirely with functions under the latter, the remarks which refer to the use of force are of interest only in so far as they indicate the atmosphere in which efforts to attain peaceful settlement of disputes must be conducted at the present time.

In the Covenant of the League of Nations, Article 12 stated that the member-states agreed that, in the event of any dispute arising that was likely to lead to a rupture, the dispute would be submitted either to arbitration or judicial settlement, or to enquiry by the Council. Article 13 set out the process of the former two, while Article 15 established the procedure to be followed when the dispute was submitted to the Council. Article 15 (7) stated that, if the Council failed in its endeavours to effect a settlement of the dispute, the Members of the League reserved to themselves the right to take

such action as was deemed necessary for the maintenance of right and justice. This, then, led on into Article 16 of the Covenant which provided for the sanctions to be imposed upon any member of the League which committed an act of war in contravention of its covenants under Articles 12, 13 or 15. These sanctions advanced through the severance of economic, diplomatic and commercial relations to the use of armed force as provided for in Article 16 (2). In other words, the Covenant of the League of Nations provided that when attempted settlement of an international dispute through peaceful means was unsuccessful, the Members were empowered to resort to a "licit" use of armed force.

The Charter of the United Nations makes no such provision for an automatic advance from the use of peaceful sanctions to the use of force. The Charter clearly separates the "Pacific Settlement of Disputes" from the "Action with respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression". Under Chapter VI of the Charter, if parties to a dispute fail to reach a solution through negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements, or other peaceful means, the Security Council may recommend appropriate procedures or methods of adjustment. Should these in turn fail, the problem is to be referred to the Security Council, which -- if all the parties to the dispute request it -- may make recommendations toward pacific settlement. No further action beyond this point is provided for in Chapter VI. Thus the peaceful settlement of an international dispute is an end in itself. If this is not accomplished, and resort to the use of armed force becomes necessary, an entirely new chain of events must be commenced under Chapter VII. This last eventuality is beyond the purview of the present study, which is concerned solely with pacific settlement through the assistance of supervisory commissions.

Member-states may refer to the United Nations for pacific settlement international questions which threaten the maintenance of peace. This is usually done either by lodging a complaint about, or by drawing attention to, the existence of such a dispute or situation. Depending upon whether the reference is made to the General Assembly or to the Security Council, the organ concerned may then make recommendations for settlement.

Whether by these, or by any other method which may be used, the matter is brought before the United Nations in a reference to the Charter. In the majority of cases the reference is made to the provisions of one or more of the six articles comprising Chapter VI, which states that:

"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." 6/

A perusal of the cases which are described in the following pages shows that, to date, the majority have been referred to the organization under Article 35(1), which states that:

"Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly." 7/

Up to the present time, only three cases have been referred to the General Assembly in the first instance. On 28 April 1947 the first special session of the General Assembly met to consider the problems of the future of Palestine, placed before it by the United Kingdom. On 17 September of the same year, the United States of America brought before the General Assembly

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6. The United Nations at Work; Basic Documents, p.28. The Charter of the United Nations, Article 33 (1). Articles 33 to 38 inclusive, comprising Chapter VI of the Charter, are reproduced in full in Appendix 'B' attached to this paper.
7. Ibid., p.28. Article 35 (1).

the problem of the unification and independence of Korea. The question of the treatment of people of Indian origin in the Union of South Africa was placed on the agenda of the sixth session of the General Assembly on 13 November 1951. ✓⁸

All other disputes have been referred to the Security Council for settlement, although, in some cases, matters pertaining to the problems were discussed in the General Assembly. Of all these questions, all but one were brought forward under the provisions of Chapter VI of the Charter. The Palestine Question, after the outbreak of hostilities between the Jews and the Arabs, and following previous reference to the Security Council by the General Assembly, was described as a "Threat to the Peace" within the meaning of Article 39 of the Charter. This article, the first in Chapter VII, says:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security." ✓⁹

It is intended, now, to describe briefly some of the questions under international dispute which have been placed on the agenda of either the General Assembly or the Security Council in the period since the United Nations came into being, and in which the organization has used its good offices toward their pacific settlement.

8. Norman Hill, International Organization, Harper & Brothers, New York, 1952, pp.313-315.
9. Articles 39 and 40, Chapter VII, of the Charter of the United Nations, are quoted in full in Appendix 'B' of this paper.

The Iranian Question

On 13 July 1941 Great Britain and the Soviet Union became formal allies, and representatives of the former and of the United States flew to Moscow to ascertain what the Russians needed in the way of assistance in their fight against Nazism. Late in September a conference in Moscow worked out plans for sending supplies to Russia by way of Archangel, Vladivostok, and Iran. In order to safeguard a route to Russia by way of Iran the Allies were led to take drastic measures in that country. In August 1941 Great Britain and the Soviet Union requested the Shah to expel 3,000 German "tourists" and "experts" from Iran. When this was not done, British and Russian troops entered the country and seized the railways and important oil centres, in order to safeguard the supply-route into the Soviet Union.

On 29 January 1942 the Iranian Government entered into a treaty with Britain and the Soviet Union granting them all facilities for the prosecution of the war and receiving from them in return a guarantee to defend Iran, to respect her sovereignty and territorial integrity, and to withdraw their armed forces within six months of the termination of hostilities. After Iran declared war on the Axis Powers, Churchill, Roosevelt and Stalin at their meeting in Teheran late in 1943 reaffirmed these guarantees.

By a letter dated 19 January 1946, addressed to the acting-Secretary-General, the head of the Iranian delegation to the United Nations stated that:

- (1) owing to interferences of the Union of Soviet Socialist Republics, through the medium of its officials and armed forces, in the internal affairs of Iran a situation had arisen which might lead to international friction, and
 - (2) in accordance with Article 33 of the Charter the Iranian Government had repeatedly tried to negotiate with the Government of the U.S.S.R., but had met with no success.
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He therefore requested the acting-Secretary-General, in accordance with Article 35(1) of the Charter of the United Nations, to bring the matter to the attention of the Security Council so that the Council might investigate the situation and recommend appropriate terms of settlement.

By a letter dated 24 January 1946, the head of the U.S.S.R. delegation stated that the allegation made by the Iranian delegation was devoid of any foundation. ¹¹ However, at its second meeting on 25 January 1946, the Security Council included the Iranian complaint on its agenda; then, on 30 January, it resolved that, as both parties had affirmed their readiness to seek a solution of the matter at issue by negotiation which would be resumed in the near future, the parties were requested to inform the Council of any results achieved in such negotiations. ¹²

Negotiations were conducted between the governments of Iran and the U.S.S.R., and were reported from time to time to meetings of the Security Council, until both governments reached an understanding on all points of the Iranian complaint. These revolved around two main points; one, that the Soviet Union had continued to maintain its troops in Iranian territory after 2 March 1946, contrary to the express provisions of Article V of the Tripartite Treaty of Alliance of 29 January 1942, and second, that the Soviet Union was continuing to interfere in the internal affairs of Iran.

11. Ibid.

12. United Nations, Summary Statement by the Secretary-General on Matters of which the Security Council is seized, and on the stage reached in their Consideration. (U.N. Document No.S/3175) 8 February 1954.

This document has been used largely as a source of information on the relevant primary sources referred to in the following description of various disputes. The numbers of the pertinent United Nations documents are given within the text, enclosed in brackets -- those of the General Assembly bearing the prefixed initial 'A', of the Security Council the initial letter 'S' (as in S/3175 above).

By a letter dated 6 May 1946 the Iranian Ambassador to the United States reported to the Council (S/53) on the withdrawal of U.S.S.R. troops; on 21 May he reported receipt of a telegram (S/68) from the Prime Minister of Iran stating that U.S.S.R. troops had evacuated Azerbaijan on 6 May.

On the following day the Council adopted a draft resolution providing that discussion of the Iranian Question should be adjourned, the Council to be called together at the request of any of its members. Since 22 May 1946, the Security Council has not discussed this item which remains on its agenda. This would seem to indicate that, although the problem has been relegated to a position of relative quiet, the Council is apprehensive of the possible continuing course of events in the northwestern part of Iran.

In its control of the peaceful adjustment of this dispute, while the Council was not itself represented in the area, and left all negotiations directly in the hands of the two parties concerned, nevertheless its refusal to accede to Russian demands for withdrawal of the question from the agenda, and its insistence upon complete reports from the two governments until the negotiations had been effected, were major factors in preserving the sovereignty of Iran.

The Greek Question (Soviet Complaint)

By a letter dated 21 January 1946, the acting chief of the U.S.S.R. delegation to the United Nations, under Article 35 of the Charter, requested the Security Council to discuss the situation in Greece on the grounds that the presence of British troops in Greece after the termination of the war meant interference in the internal affairs of Greece and caused extraordinary

tension fraught with grave consequences both for the Greek people and for the maintenance of peace and security.

The Greek Question was discussed by the Council on 1 February 1946, with a representative of Greece present to participate (without vote). The representative of the U.S.S.R. spoke of the tense situation in Greece resulting from the presence in that country of British troops which had become a means of pressure on the political situation, and resulting often in support of reactionary elements in the country against democratic ones. He called for the quick and unconditional withdrawal of all British troops from Greece.

The representative of the United Kingdom stated the views of his government in answer to the Soviet charges of interference in the internal affairs of Greece, and was fully supported by the representative of that country. Representatives of the United States, of France, China, the Netherlands, Poland, Egypt and others, stated satisfaction that there were no reasonable grounds for belief that the presence of British troops in Greece could be regarded as constituting a situation which was likely to endanger international peace and security.

At the Council's meeting on 6 February 1946 the President summed up the views of the majority of its members in the following statement:

"... I feel we should take note of the declarations made before the Security Council by the representatives... in regard to the question of the presence of British troops in Greece, as recorded... and consider the matter as closed."

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This statement was found satisfactory and the Greek question was considered as closed, having been settled entirely by discussion within the Council.

13. United Nations, Yearbook of the United Nations, 1946-47, p.338.

The Soviet complaint is interesting in the light of the findings of the United Nations Special Committee on the Balkans in 1947, which found that the same charges might have been laid against the U.S.S.R.

The Indonesian Question

The Indonesian Question was first brought to the attention of the Security Council by a letter dated 21 January 1946 when the representative of the Ukrainian Soviet Socialist Republic, referring to Articles 34 and 35 of the Charter, alleged that military action had been directed against the local population by the British and Japanese forces in the Republic of Indonesia, and that this situation threatened the maintenance of international peace and security. He felt that the Council should carry out the necessary investigation and take measures provided for in the Charter.

After interesting debates on both procedural and substantive points, at which time several delegations pressed hard for the appointment of a commission to carry out an enquiry on the spot, and to establish peace in the Indonesian Republic, the matter was declared closed by the President of the Council on 13 February 1946. ¹⁴ ✓

However the matter was not to remain closed, for the question was brought before the Council again, in a different form, by two letters dated 30 July 1947, one from the Government of India (S/447), the other from the Government of Australia (S/449). The former, under Article 35 (1) of the Charter, drew the Council's attention to the situation in the Republic of Indonesia, which, in its opinion, endangered international peace. The letter from the Australian Government stated that the hostilities in progress in Java and Sumatra constituted a breach of the peace, within the meaning of Article 39, and urged the Council to take immediate action to restore peace.

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14. Ibid.

The question was included in the Council's agenda on 31 July 1947, when the representatives of the Netherlands and of the Indonesian Republic were invited to take part in the discussion. The Council subsequently invited representatives of the Philippines, Australia, Belgium, Burma, and Pakistan to participate in the deliberations during the protracted period of negotiations.

On 1 August 1947 the Security Council adopted a resolution (S/459) calling upon the parties to cease hostilities forthwith, to settle their disputes by arbitration or by other peaceful means, and to keep the Council informed about the progress of the settlement.

Between 3 and 5 August both the Netherlands and Indonesia informed the Council that orders had been issued for the cessation of hostilities, and the latter requested the Council to appoint a committee to secure effective implementation of the cease-fire (S/466 and S/469).

But, during the ensuing three weeks, while discussion waxed and waned over such points as the jurisdiction of the Council and by what means it should take action to assist the parties to arrive at a peaceful settlement of the dispute, reports reached the Council showing clearly that neither of the parties had ceased hostilities, that, in fact, military action in the area was being intensified. Several resolutions were proposed setting out different methods by which the Council might supervise its cease-fire order of 1 August, as an immediate requirement, and, as a long-term project, how it might bring the parties together in arbitration or other peaceful means. The Council was divided into ^{two} schools of thought: one insisting that the two questions of cessation of hostilities and arbitration should be completely separated from one another, the other wishing to have them bracketed in one

resolution. This debate continued for three weeks without the Security Council reaching a definite decision which would lead to effective action being taken.

A satisfactory resolution proposed by the Australian delegation (S/488) was somewhat confused by an amendment proposed by ^{the} representative of China, which led the President of the Council to suggest that the two delegations consult together. The result was the joint draft resolution (S/513) proposed on 22 August by Australia and China, on which there was much debate before it was adopted three days later. 140

As it was this resolution that became the basis of the action taken ultimately by the Council in this question, its essentials are quoted:

"The Security Council

1. Notes... steps taken by the parties to comply with the resolution of 1 August 1947;
2. Notes... the Netherlands Government... affirms its intention to organize a sovereign, democratic United States of Indonesia...;
3. Notes that the Netherlands Government intends immediately to request the career consuls stationed at Batavia jointly to report on the present situation in the Republic of Indonesia;
4. Notes... Indonesia has requested appointment by the Security Council of a commission of observers;
5. Requests the Governments members of the Council which have career consular representatives in Batavia to instruct them to prepare jointly for the information and guidance of the Security Council reports on the situation in the Republic of Indonesia, following the resolution of the Council on 1 August 1947, such reports to cover the observance of the cease-fire orders and the conditions prevailing in areas under military occupation or from which armed forces now in occupation may be withdrawn by agreement between the parties;
6. Requests the Governments of the Netherlands and of the Republic of Indonesia to grant to the representatives referred to in paragraph 5 all facilities necessary for the effective fulfilment of their mission,
7. Resolves to consider the matter further should the situation require."

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On 22 August, during the debate on whether or not the Council had jurisdiction in the Indonesia dispute (S/510), the representative of the Netherlands pointed out that his government considered that the Charter was applicable only to disputes between sovereign States which were generally recognized; that, even if both parties in this particular question were sovereign States, his government regarded this matter as a domestic question beyond the jurisdiction of the Security Council; thirdly, that this case did not create a danger to international peace and security, and therefore neither Chapters VI nor VII were applicable; since, to begin with, the Republic of Indonesia was not yet truly a sovereign State, this question was not within the jurisdiction of the Council. Consequently, the Council could take no action on the resolution proposed by Australia (S/488) and amended by China (S/488/Addenda 1 and 2) calling for the appointment of a commission to investigate what was happening in the Indonesian Republic. Earlier, the representative of the Netherlands had stated that his government intended to approach the Powers represented in Batavia by career-consuls to have these consuls investigate and report on what was happening in the Republic. He now stated that this had been done by the Government of the Netherlands, and that the consular officers of Australia, Belgium, China, France, Switzerland, the United Kingdom and the United States of America were available; that, if these officers undertook the task suggested, there certainly would be no need for the Security Council to take any action.

With regard to the remarks made by the representative of the Netherlands denying the jurisdiction of the Council in this case, the President of the Council -- the representative of Syria -- referred to several of the articles of the Linggadjati Agreement [between the Netherlands and the Government of the Republic of Indonesia, signed at Batavia on 25 March 1947] and recalled

that under that agreement the Council considered that the Indonesian Republic was responsible for internal public order and that it was to maintain it; that it had its own administration; and that the Government of the Netherlands had not shown any proof to the contrary.

But the point which is of concern in this present study and which arises from the remarks made by the representative of the Netherlands, is that concerning the employment of career-consuls to form a commission of investigation in the pacific settlement of a dispute such as this. Reference was made in the first part of this chapter to the unfortunate exclusion of some members of the Security Council -- notably the Soviet Union -- from commissions of investigation set up by the United Nations ¹⁵. The investigation of the Indonesian Question is the first such case in point.

Continuing the discussion of this question on the same day (S/511), the representative of the United States of America remarked, inter alia:

"The number of observers required to undertake such a task may be considerable. They will need communications facilities, transportation and supplies. They may need protection. It is obvious that considerable expense and an important organizational problem are involved. These considerations are mentioned because they affect the time element and the action we have a right to expect from the parties on the spot.... The presence of career consuls in Batavia will furnish the nucleus for this supervision. These men are on the spot.... and will be able to organize this supervision immediately.... My Government believes that one of the best ways in which the Security Council can create conditions which will facilitate agreements between the parties at the present time is to take immediate steps to establish in the area concerned, an agency of the Council such as is already provided in the Australian resolution (S/513) to observe the measures taken by the parties in compliance with the cease-fire order of 1 August 1947." ¹⁶

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15. Vide, pp.23-24.

16. United Nations, Security Council Official Records, Second Year, No.82, pp.2176-7. (U.N.Document S/511) 22 August 1947.

The reaction to the proposals to use, as observers representing the Security Council, consuls then present in the Republic of Indonesia, was very definite on the part of the representatives of the U.S.S.R. and of Poland. ¹⁷ A study of their respective speeches during this particular meeting shows that their points were well taken and presented logically. The following are remarks made by the delegate of the Soviet Union in reference to the point in question:

"... it would appear that it was the Security Council's duty to deal with the Indonesian question, but, in fact, the Security Council would voluntarily stand aside and refrain from further action.... that resolution (Australia: S/488) contains one useful and correct idea, namely, that the Security Council should create its own commission to supervise the implementation of its decision of 1 August.... There is a proposal which was put forward... by the Netherlands representative and which for some reason was very warmly received by the Security Council, to the effect that the task of supervising the implementation of the Security Council's decision should be entrusted to consuls, which in the opinion of the U.S.S.R. delegation, is unacceptable....

In Indonesia there is a United States, a French, a United Kingdom, a Chinese, and Australian and I think a Swiss consul (Switzerland is not a Member of the United Nations). Among the five eligible so-called "career" consuls therefore there are United Kingdom, French and United States consuls. We all know... the attitude adopted by the United Kingdom in the Indonesian question. There is no secret about the position of the French Government in this matter. Something is also known about the position of the United States.... Out of the five consuls in Indonesia we find three whose opinions and actions, in the view of the U.S.S.R. delegation, cannot be relied upon or considered to reflect in any way the Security Council's opinion or that of the countries represented on the Security Council.... the U.S.S.R. delegation and the Government of the U.S.S.R. cannot consider that the career consuls of the five Powers can act for the Security Council.... They are not representatives of the Security Council, they are not a commission of the Council."

"... if the Security Council really wishes to deal seriously with this matter... it should create either two commissions... or one commission with dual functions. In either case... the commission should be composed of representatives of the States represented on the Security Council.... The U.S.S.R. delegation considers that this is a question of principle."

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17. Ibid., pp.2179-87.

Speaking in support of the points made by the representative of the U.S.S.R., the representative of Poland pressed the argument further:

"... I cannot help going back into the past to a case which arose not so many years ago. It was when the Kingdom of Ethiopia was invaded by Italy.... At that time... the Council of the League of Nations, instead of taking prompt action which would have saved the world a lot of the suffering it had to experience later, entered into prolonged discussion in which many arguments were put forward.... These arguments were effective and no action was taken.

"... We had the illusion that by some mild action, by showing some concern, we could settle the case and that no strong words or action needed to be used.

"... in view of the urgency of the case, I was prepared to overlook all these faults except one point: namely the composition of the commission to observe the cease-fire order. I believe the Security Council must determine the composition of the commission from among the members of the Council and not leave the matter to career or non-career consuls...

"In the opinion of the Polish delegation, the commission should be composed of members of the Security Council and three, five, six -- or as many members of this Council as the Council shall decide -- can be appointed to act as observers of the execution of the cease-fire order. We can appoint either the six non-permanent members of the Council or the five permanent members; all eleven members of the Council could even be appointed. I believe that such action would be much more effective. If any recommendation is made by this Council with regard to the situation there, it will carry much more weight than an opinion from the consuls who are accredited at Batavia at the present moment.

"... we must at least have a commission which will have behind it the authority of the Security Council and of the United Nations and which will be able to bring about a just solution."

At the next following meeting of the Security Council, on 25 August, (document S/518), it was decided to vote on the joint Australian-Chinese resolution (S/513) which has been described previously and which, basically, requested the Governments members of the Council which had career-consuls in Batavia to instruct them to prepare jointly a report for the Council on the observance of the cease-fire called for by the Council on 1 August 1947 (S/459). However, following up his argument of the previous day, the representative of the U.S.S.R. proposed an amendment to the resolution 18.

The Soviet proposal called for omission of paragraphs 2,3,5,6 and 7 of the original resolution ¹⁹✓, making paragraph 4 become paragraph 2, and adding two new paragraphs 3 and 4 which would be:

"3. Decides to establish a commission composed of the States Members of the Security Council to supervise the implementation of the Security Council of 1 August.

4. Decides to keep the Indonesian question on the agenda of the Security Council."

The purpose of this amendment was, of course, to deny the possibility of the Council being represented in Indonesia by a commission composed of consular representatives of only some of the States members of the Council, and ensuring that all member-States could be appointed to the commission, making the latter more truly representative of the United Nations.

When the vote was taken (by show of hands) on the amendments to the Australian-Chinese draft resolution, there were 7 votes in favour, 2 against and 2 abstentions. The two delegations which voted against the amendment were those of Belgium and France. As the President of the Council (the representative of Syria) expressed the result succinctly:

"One of the two votes against this proposal was cast by a permanent member of the Security Council. The proposal has been frustrated." ²⁰✓

If the point of view is taken that the delegation of the Soviet Union was correct in asking for full representation of the Council in the appointment of the commission, the ~~choice~~ of words by the President of the Council seems to have been prophetically -- and it is to be hoped, unwittingly -- apt. While this discussion and vote represents the occasion when France exercised the right of the veto ²¹✓, it represents also the first of several such commissions to which the U.S.S.R. was not appointed.

19. Vide, pp.37-8 of this paper.

20. United Nations, Security Council Official Records, Second Year, No.83, p.2200. (U.N.Document S/518).

21. Vide, p.16 of this paper.

When the Council proceeded to vote on the joint Australian-Chinese draft resolution requesting a report from a commission composed of the career consuls in Batavia, this was adopted by a vote of seven to none, with four abstentions -- the latter including the delegations of the U.S.S.R. and the United Kingdom. A resolution proposed by the representative of the United States of America (S/514), offering the good offices of the Security Council to the disputing parties was also adopted.

Consequently, on 26 August 1947, the Security Council provided for establishment of a commission composed of the consular representatives of those members of the Council which were accredited in Batavia (S/525). This commission was instructed to report jointly to the Council on the observance of the cease-fire orders and the conditions prevailing in areas under military occupation in the Republic of Indonesia. At the same time the Council further expressed its willingness to assist in the settlement of the dispute through a committee of the Council consisting of three of its members; each of the parties was to select one member, and the third was to be chosen by these two.

Thus, although only two days elapsed between the time when the representatives of Australia and of India drew to the attention of the Security Council the existence of a dispute in the Republic of Indonesia and the calling by the Council for a cessation of hostilities in that region, almost four weeks elapsed before the Council accomplished anything definite towards supervision of its cease-fire order. It is to demonstrate this fact, as well as to show that on occasion definite action proposed by members of the Soviet "bloc" has been frustrated by the "western" Powers -- to the detriment of the effectiveness of the Security Council -- that details of the sessions of the

Council's meetings immediately prece~~d~~ding their taking of action on 26 August has been somewhat expanded at this stage in the present study.

The Netherlands subsequently advised the Council that the Government of Belgium had accepted its invitation to serve on the Council's Committee of Good Offices (S/545), and similarly the Republic of Indonesia reported the acceptance of the Government of Australia (S/564). On 18 September the representatives of Australia and Belgium announced that the Government of the United States of America had agreed to be the third member (S/558).

On 17 January 1948 (S/650) the Chairman of the Committee of Good Offices (which had proceeded to the Republic of Indonesia) advised the President of the Security Council that the delegations of the Netherlands and of Indonesia would sign a truce agreement on that date, and immediately thereafter an agreement on eighteen political principles. These documents comprised the Renville Agreement.

In the course of 1948 the Council received a number of reports from its Committee of Good Offices on developments in Indonesia, and on the negotiations between the parties, until these culminated in the special reports of 12 and 18 December 1948 (S/1117 and 1129) regarding the collapse of the direct talks between the representatives of the disputants. On 20 December the Council convened in emergency session to consider the Indonesian question in the light of the resumption of military operations in Indonesia on the previous day (S/1128). In the course of meetings during the following week the Council called upon both parties to cease hostilities, and upon the Government of the Netherlands to release the President of the Republic of Indonesia and other political prisoners (S/1150).

When the Committee of Good Offices reported to the Council that these provisions had not been carried out, the Council, on 28 January 1949 (S/1234), changed the name of the Committee to the "United Nations Commission for Indonesia", resolved again that the parties cease all military operations, demanded that the Netherlands Government release all political prisoners, and recommended that the parties negotiate for the establishment no later than 1 July 1950 of a federal independent and sovereign United States of Indonesia, the government of which was to be returned to Jogjakarta.

On 1 March 1949 the United Nations Commission for Indonesia submitted a report (S/1270 and Corrigendum 1) which was followed by three supplementary reports during the month (S/1270/Addenda 1, 2 and 3). These stated that the Netherlands Government had not released the Republican political prisoners and had refused to permit the re-establishment of the Republican Government at Jogjakarta, that there had been no negotiations under the Council's resolution, and that there had been no actual cessation of hostilities. The report also gave details of a proposal by the Netherlands Government to convene a round-table conference on the Indonesian question at The Hague -- which the Commission viewed as a counter-proposal or a substitute for the resolution of 28 January by the Council. ²² The Council advised the Commission that it accepted the latter proposal; and, on 9 May (S/1320) the Commission reported that both parties had accepted a conference at The Hague which would be consistent with the Council's directive of 28 January 1949. Then, on 4 August, the Commission reported (S/1373) that a cease-fire had been ordered on the previous day, that the Indonesian Republican Government had been restored to Jogjakarta, and the conference conditions settled.

On 8 November 1949 the Commission submitted a special report (S/1417) on the Round-Table Conference held at The Hague from 23 August to 2 November 1949. Under the agreements reached at The Hague, the Netherlands was to transfer sovereignty unconditionally to the Republic of the United States of Indonesia, the transfer to be effected by 30 December 1949 at the latest. The residency of New Guinea, however, was excepted, and its status was to be determined within a year of the transfer of sovereignty. The Commission stated that it would continue to carry out its functions in accordance with its terms of reference and that, in accordance with the agreement reached at the conference, it would observe in Indonesia the implementation of the decisions reached at The Hague (S/1417/Addendum 1).

Both within the United Nations and in the world press there was considerable discussion on the extent to which pressure had been exerted by the United States of America in the attaining of settlement of the Indonesian question. That pressure was exerted by the United States in line with a definite attitude toward the dispute was described neatly by an authoritative publication in that country:

"Officially the United States did not participate in the Round Table Conference of Dutch, Republican and other Indonesian delegates which was finally assembled at The Hague on August 23, 1949, and, after many crises, reached general agreement at the beginning of November on the outlines of a Netherlands - Indonesian Union in which the federated "Republic of the United States of Indonesia" would be a sovereign, equal partner under the Netherlands Crown. American influence, however, was a recognized factor in the situation. It was exerted intermittently in the form of emphatic counsels to the Dutch at times when the negotiations seemed about to break down. Unofficially but more continuously it was brought to bear through the skillful diplomacy of H. Merle Cochran, U.S. member of the U.N. Commission on Indonesia, who played an important role in steering the conference to a successful conclusion.

"All the major problems in the detailed settlement of Dutch-Indonesian relationships, except the thorny issue of the future status of Dutch New Guinea... were smoothed out in a manner that... caused general satisfaction in U.N. quarters...." 23

However, this 'general satisfaction' was unshared by those in the Soviet bloc

which condemned the agreements as another manifestation of American and British supported Dutch "colonialism" ²⁴✓. The same writer went on to say that, contrary to many opposing statements,

"... the United States had not looked upon Indonesia as a potential ally in an anti-Soviet coalition. Washington's aim had been to ensure that the new state was born under conditions that would conduce to the real welfare of its people and thereby strengthen the cause of freedom throughout the Far East. To that end it was prepared to give the new federation both political and economic support...." ²⁵✓

The Security Council commenced discussion of the special report of the Commission on 12 December 1949, when the President of the Council (the representative of Canada) submitted a draft resolution (S/1431) congratulating the parties on the successful conclusion of the Round Table Conference, welcoming the establishment of the Republic of the United States of Indonesia and commending the Commission. It also requested the Commission to continue to discharge its responsibilities, including in particular observing and assisting in the implementation of the agreements reached in the Conference. Although this resolution, voted upon in two parts, was defeated by the negative votes of the U.S.S.R., it was ruled that its rejection had no effect whatsoever on the previous decisions taken by the Council.

In the course of 1950 the United Nations Commission for Indonesia submitted a number of reports dealing with the transfer of sovereignty, the repatriation of Netherlands forces and the dissolution of the Royal Indonesian Army, as well as with events which took place following the unauthorized proclamation of a "South Moluccas Republic" on 25 April 1950 ²⁶✓.

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24. The Soviet bloc voted against a congratulatory resolution of the General Assembly (No.301, adopted 7 December 1949 by a 44-5 vote), and on 13 December the U.S.S.R. used two vetoes to kill a parallel resolution (proposed by Canada) in the Security Council.
25. The United States in World Affairs, 1949, p.445.
26. U.N. Document S/3175.

On 3 April 1951 the Commission reported on its activities (S/2087) stating that the withdrawal of Netherlands troops had progressed satisfactorily and that observation was no longer necessary. It summarized the developments which led to the establishment on 18 August 1950 of the Republic of the United States of Indonesia, and dealt with the status of New Guinea -- this last matter has not yet been settled. Since the military problems were virtually solved, and since no items remained on its agenda, the Commission decided that, while holding itself at the disposal of the two parties, it would adjourn sine die. This report is still on the agenda of the Security Council.

Although the first military observers ever assigned to United Nations duties by the United Nations were those attached to the Special Committee on the Balkans along the Greek frontier early in December 1947, ²⁷ twenty-five military observers were attached to the Security Council's Consular Commission at Batavia when, at its first meeting, it was unanimously agreed that each of the powers represented should be requested to furnish military officers to observe any possible violations of the cease-fire orders; to investigate, where possible, allegations of violations of the cease-fire orders; and to gather any other data that might be of value to the Commission and the Security Council ²⁸. By the middle of September 1947 these officers were undertaking tours of inspection in all the principal areas of Java and Sumatra, and their first reports were being submitted. Although they had been attached to the Commission by the Commission's own local arrangements, because of the urgent need of the moment, they were at a later date (as will be discussed at a further point in this study) placed on the same basis as regularly appointed United Nations Military Observers.

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27. United Nations, United Nations Review, Vol.I, No.2, (August 1954) p.17.

28. United Nations, Security Council Official Records, Second Year, Special Supplement No.4, Report by the Consular Commission at Batavia, pp.1-3,66.
(U.N.Document S/586/Rev.1)

Although there was no Canadian participation in the observer group in Indonesia, the functions associated with the settlement of this question by the United Nations has a place of interest in this study because in its approach to this problem the United Nations established two "firsts": one of these has been mentioned, namely that the military observers employed by the Consular Commission were -- unofficially -- the first such to be used in a United Nations truce supervisory capacity, and much of their field experience was recalled to the benefit of other such groups on their subsequent establishment. The second "first" was that the Consular Commission in Batavia -- later re-named the United Nations Commission for Indonesia -- was the first commission for peaceful settlement set up in a pattern which was followed later by others such as that established to deal with the Palestine Question.

The Syrian and Lebanese Question

Through the medium of a letter addressed to the Secretary-General on 4 February 1946, the heads of the Lebanese and Syrian delegations to the United Nations brought to the attention of the Security Council, in accordance with Article 34 of the Charter, the presence of French and British troops in Syria and Lebanon. The letter stated that the Governments of these two Members-States had expected that these foreign forces would be withdrawn immediately on the cessation of hostilities with Germany and Japan, but that a Franco-British agreement of 13 December 1945, made the withdrawal subject to conditions which were inconsistent with the spirit and letter of the Charter ²⁹.

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29. United Nations, Yearbook of the United Nations, 1946-47, pp.341-4.

Through five meetings held on 14, 15 and 16 February 1946 in which the Security Council discussed this question, much time was devoted to consideration of whether this involved a dispute or a situation which might give rise to a dispute; whether the matter was to be considered as a procedural issue or a substantive question; and in what manner the question was to be resolved by the Council. After various Members had proposed resolutions, and a greater number of amendments -- all rejected -- the representative of the United States of America proposed a resolution which expressed:

"... confidence that foreign troops in Syria and Lebanon will be withdrawn as soon as practicable; and that negotiations to that end will be undertaken by the parties without delay...."

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Two amendments proposed by the representatives of Syria and of Lebanon, and three suggested by the Soviet delegation, were declared lost. The representative of the U.S.S.R. voted against the resolution itself, which therefore was not carried. However, the representatives of France and of the United Kingdom stated that, although the United States resolution had not been legally adopted, their governments would give effect to the majority decision of the Council. With that decision, the Security Council considered that it was no longer seized of the Syrian and Lebanese question.

Nevertheless, on 30 April 1946, the representative of France reported by letter to the Council that, in regard to Syria, the French and British Governments had jointly made the arrangements necessary for the full evacuation of that territory by that same date; and that the withdrawal of all French troops could be completed, including those in Lebanon, by 31 August 1946.

On the following day the representative of the United Kingdom

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reported in much the same way concerning agreements made with the French Government, which had been communicated to the Syrian and Lebanese Governments, and to which the latter had suggested no modifications. In due course, the withdrawal of all British and French armed forces was effected in advance of the scheduled dates, and the Foreign Ministers of Syria and Lebanon expressed the satisfaction of their respective governments with the outcome of the negotiations.

Apart from the satisfactory and quick conclusion of the negotiations related to the settlement of this question -- which was neither difficult nor serious -- the progress of this particular problem through the earliest meetings of the Security Council served the very useful purpose of bringing to light questions of procedure which might otherwise have absorbed precious time in a later, more serious, question. This particular question, resolved by direct negotiation between Great Britain and France on the one hand and Syria and the Lebanon on the other, required no specific action on the part of the Security Council. However, the Council provided the forum in which the problem could be brought to light.

The Greek Question (Ukrainian Complaint)

On 24 August 1946 the Minister for Foreign Affairs of the Ukrainian Soviet Socialist Republic, in a telegram addressed to the Secretary-General of the United Nations, stated six complaints against the Greek Government, and asked that the Security Council, pursuant to Article 35 (1) of the Charter, consider without delay what measures it should adopt in order to eliminate this threat to the peace ^{31/}.

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After a series of lengthy discussions through several meetings, the Council, on 20 September, voted in succession on all of the various resolutions which had been proposed, but was unable to arrive at a positive result. Neither a decision nor even a clear understanding was obtained. Having referred to the Secretary-General for an explanation of procedure, the Council agreed that it was no longer seized of the Greek question, and removed it from the agenda.

The Greek Question (Greek Complaint)

For the third time in less than eleven months the Security Council was called upon to consider a matter in which the Greek Government was deeply involved when, on 3 December 1946, the acting-chairman of the delegation of Greece asked the Secretary-General to bring to the attention of the Council, with reference to Articles 34 and 35 of the Charter, a situation leading to friction between Greece and its neighbours. The Government of Greece charged that guerrillas in Greece were receiving support from Albania, Bulgaria and Yugoslavia; that groups of men were trained for guerrilla activities and that foreign assistance had been provided. A detailed memorandum in support of the Greek request was included (S/203) ^{32/}.

The Greek Government urged the necessity for an investigation to be undertaken on the spot, in order that the causes of the situation might be brought to light. At its meeting on 10 December 1946 the Council resolved to invite the representatives of Greece and Yugoslavia to participate

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32. Ibid., pp.360-75; and United Nations, Security Council Official Records, Second Year, Special Supplement No.2, Report to the Security Council by the Commission of Investigation concerning Greek Frontier Incidents, Vol.I. (U.N.Document S/360/Rev.1); also (U.N.Documents S/PV 82-87.

in the discussion without vote. The representatives of Albania and of Bulgaria, whose countries were not members of the United Nations, were invited to enable the Council to hear such statements as they might wish to make. Further, the Council decided that, if it was found that the situation was in fact a dispute, the last two would be invited to participate in the same way as Greece and Yugoslavia. During the next two meetings the Council heard the statements of the four governments involved in the case and decided that the matter was of a nature that made it appropriate to invite Albania and Bulgaria to participate without vote in the discussions.

On 18 December 1946 the representative of the United States of America proposed that the Security Council, without passing any judgment, establish a commission to ascertain the facts relating to alleged border violations with authority to conduct on-the-spot investigations in such areas of Albania, Bulgaria, Greece and Yugoslavia as the commission might consider necessary, and to report the results to the Security Council. This draft resolution, modified and expanded by amendments proposed by the representatives of Mexico, Poland and the United Kingdom, was adopted unanimously by the Council on 19 December ³³.

The resolution established, under Article 34 of the Charter, a Commission of Investigation to ascertain the facts relating to the alleged border violations along the frontier between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other. It provided that the Commission:

"... be composed of a representative of each of the Members of the Security Council as it will be constituted in 1947;
... shall proceed to the area not later than 15 January 1947...;

"... shall have authority to conduct its investigation in northern Greece and in such places in other parts of Greece, in Albania, Bulgaria and Yugoslavia as the Commission considers should be included...; ... shall have authority to call upon the Governments, officials and nationals of those countries... for information relevant to its investigation." 34

Further, the resolution provided that the Secretary-General be asked to communicate with the countries concerned in order to facilitate the work of the Commission; that each representative on the Commission be entitled to select the personnel necessary to assist him; that staff and assistance be made available from the United Nations Secretariat and other proper sources; and, also, it invited the governments of the four countries to provide representatives to assist in the work of the Commission in a liaison capacity. It may be noted that the provisions of this resolution were a considerable advance over those by which the Security Council established the Consular Commission in Batavia less than three months earlier.

Between the end of January 1947 when it assembled at Athens, and the end of March, the Commission of Investigation held seventy-seven major meetings and undertook a number of field trips through the area. It became apparent that, in order to cover as wide an area as possible in its investigation and to hear the maximum number of witnesses, it would be necessary for it to send out investigating teams which could operate while the main body of the Commission was functioning at its headquarters in Athens, Salonika, Sofia, and Belgrade. Eventually, seven such teams were established, and they more than proved their value. The teams, membership of which varied in number and composition, consisted of members of the delegations, of the liaison representatives, and the necessary staff from the secretariat. 35

34. U.N.Document S/AC.4/5, quoted in S/360/Rev.1, p.2.

35. U.N.Document S/360/Rev.1, p.7.

In its report (S/360/Rev.1) published on 25 June 1947, the majority of the Commission concluded that on five points the complaints made by Greece were, in the main, justified, and that they represented an increase in tension between the countries concerned. The minority (the U.S.S.R. and Poland) challenged the reliability of the findings of the majority and submitted their own contrary conclusions. When their remarks are stripped of the acrimony in which they are expressed, the minority were probably correct in saying that the majority report was indecisive. Consideration of the report in the Security Council began immediately, and continued to 29 July, by which time a number of resolutions had been proposed, discussed and all rejected.

Then, on 31 July 1947, the Greek Government advised the United Nations that this existing threat to world peace had become so serious that enforcement action under the provisions of Chapter VII of the Charter was urgently required. This letter asserted that there had continued to occur in the Balkans acts of aggression which, Greece claimed, were being encouraged by a Member of the Security Council, and which were a threat to the peace within the meaning of Article 39 of the Charter. 36

The Council continued its consideration of the Greek question on 4 August and carried it through to 19 August, when it agreed that it was unable to decide on a definite course of action, but felt that the Commission of Investigation, and its Subsidiary Group, should remain in existence, pending the Council's arriving at a decision. In the face of this stalemate a change of methods was attempted in order to obtain the peaceful settlement of the Greek question.

By a letter of 20 August 1947 the representative of the United States of America requested that the following item be included in the agenda of the General Assembly: "Threats to the political independence and territorial integrity of Greece".³⁷

As the Security Council had been dealing with this question and as, in accordance with Article 12 of the Charter, the General Assembly is not to make any recommendations in regard to a dispute or situation with which the Security Council is dealing, the representative of the United States submitted a draft resolution to the Council on 15 September which provided that the Council request the General Assembly to consider this dispute. This was defeated by the negative vote of the U.S.S.R. However, by a procedural vote of nine to two, the Council adopted a resolution that the Greek question be taken off its agenda.

When the General Assembly was notified that the Security Council was no longer seized of the Greek question, it proceeded to take it under consideration. Not only did it have available all the records of the deliberations of the Security Council in this matter, but the General Assembly called upon representatives of all the nations involved to re-state their cases on all aspects of the dispute. The argument and discussions were prolonged, yet achieved the passage of a resolution in the Assembly on 21 October which made four recommendations specifically designed to resolve the tension between the four countries in the dispute. It also established a Special Committee which it instructed to observe the compliance by the four governments concerned with these recommendations, and to be available to assist them in their implementation.

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When the United Nations Special Committee on the Balkans began its meetings in Greece late in November 1947 it decided that, in order to observe the four governments' compliance with the General Assembly's four recommendations, it should maintain observation groups near or on both sides of the frontiers of Albania, Bulgaria and Yugoslavia with Greece. The observation groups were to be composed of personnel supplied by the nations represented on the Committee.

The Committee asked the Secretary-General of the United Nations to obtain the consent of the four governments to ^{the} establishment of such groups on their territories, but only the Greek cooperated and provided the necessary facilities. As a result, the observation groups were able to operate only within Greece, except on one occasion when one group was permitted to enter Bulgarian territory. 38/

The Special Committee on the Balkans continued its efforts toward achieving the resumption of normal proper relations between the Government of Greece on the one hand and those of Albania, Bulgaria and Yugoslavia on the other over a period of four years. Its first success was with the Government of Yugoslavia; the other two governments followed, and, on 7 December 1951, the Committee was able to report to the General Assembly that its task had been completed. However, it was not until 31 July 1954 that the last small element of the Military Observer Mission in Greece was withdrawn.

Of the six cases of dispute which have been described in this chapter of the present study the Iranian question and the Syrian and Lebanese question were settled peaceably by direct negotiations between the parties;

the complaint by the Soviet Union and the complaint by the Ukrainian S.S.R. regarding the situation in Greece, were disposed of within meetings of the Security Council; and in two cases, the Indonesian question and Greece's complaint concerning acts of aggression across its northern frontier and other threats to the peace in the Balkans, peaceful settlement was achieved only after commissions set up by the United Nations had worked for some time in the affected areas.

This chapter has pointed up the diversity of the problems involved in political disputes which are referred to the United Nations for pacific settlement. In the cases described so far, it has been shown that where actual hostilities have broken out, practical results have been obtained only when the General Assembly or the Security Council has established an "on-the-spot" investigation by a commission, and has instructed that commission to obtain a cessation of hostilities and to assist in observation of the compliance with the cease-fire arrangements.

Although representatives of Canada had not served on this particular form of supervisory commission until the recent appointment of Canada to the three International Supervisory Commissions for Vietnam, Laos and Cambodia which were established on 20 July 1954 at the Geneva Conference on Indochina, and in which Canada is to serve with Poland under the chairmanship of India³⁹, representatives of this country have contributed usefully to deliberations related to these questions in both the General Assembly and the Security Council. However, officers of Canada's armed forces have served as Military Observers attached to three such commissions, and the questions with which they were concerned remain to be considered in this study.

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39. Government of Canada, External Affairs, Vol.6, No.8, (August 1954), p.257.

CHAPTER II

THREE CASES IN WHICH CANADIANS
HAVE BEEN AGENTS OF THE UNITED NATIONS
IN THE CAPACITY OF MILITARY OBSERVERS

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The Problem of the Independence of Korea
The Future Government of Palestine
The India-Pakistan Question

Since early in 1949 some fifty officers of the Canadian armed services have undertaken tours of duty as military observers attached to United Nations missions in three different areas of the world $\sqrt{1}$. Their appointment to these tasks, their duties while employed in this capacity, and various aspects of their life during the period that they are on loan from Canada to the United Nations, will be considered in the later phases of this study. At this point it is intended to describe the political aspects of the three cases of international dispute which have been submitted to the United Nations for pacific settlement, and in connection with which these Canadian officers have served as military observers.

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1. A Nominal Roll of Canadian Officers who have served as United Nations Military Observers is attached as Appendix 'C' to this paper.

In the previous chapter six different disputes were described in outline in a manner designed to show by what methods each of them was brought to the attention of the United Nations, and by what methods the principal organ concerned endeavoured to achieve settlement by peaceful means. Amongst these were two in which actual hostilities had broken out and for which the Security Council issued orders for the cessation of hostilities. In order to obtain reports on the facts connected with the disputes, and to enable supervision of the cease-fire orders as well as to assist the parties in the arranging of terms of settlement, the Security Council found it necessary to establish commissions of investigation and supervision. In order to carry out its terms of reference in a satisfactory manner, each of the two commissions described asked for the establishment of teams of observers for which the personnel would be provided from the armed services of the various nations which were members of the respective commissions. In the cases described already, Canadians had no part as members of such observation teams.

However, on 11 December 1948 the Secretary-General of the United Nations enquired from the Secretary of State for External Affairs of Canada whether Canada could provide military observers to serve in the observer group attached to the United Nations Commission for India and Pakistan ²/. In January 1949 the first four Canadian nominees left for duty on the Indian sub-continent. Almost immediately afterwards Canada was asked to provide an additional four, and since then has maintained not less than nine military observers in the field associated with the India - Pakistan question.

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2. Telegram SCA/GA.264/613(1), in the files of the Defence Liaison (1) Division of the Department of External Affairs, Ottawa.
See also: Canada, House of Commons Debates, Official Report, 9 Feb 1949: Answer to question on whether a Military Mission was being sent to India.

The United Nations made its second request to Canada for the provision of military observers on 26 April 1950 when the Secretary of State for External Affairs was asked by the Secretary-General of the United Nations to provide two officers to serve with the observer group attached to the United Nations Commission on Korea. ^{3/} The Commission had, on 25 March 1950, decided to request the Secretary-General to provide it with eight trained observers, and with the necessary ancillary staff and equipment (A/AC.26/II/L23). Towards the end of May two United Nations field observers arrived in Seoul from Australia, but the arrival of the other six observers was delayed. Meanwhile, on 10 May, the Commission had asked the Secretary-General to send to Korea as quickly as possible all the observers already designated. Following the act of aggression by armed forces of North Korea invading South Korea on 25 June, the Commission requested the Secretary-General on 29 June 1950 to expedite the arrival of the remaining field observers. It was then that Canada was asked to nominate, and send to United Nations Headquarters, two officers who would leave as soon as possible for Korea. ^{4/}

On 24 November 1953 Canada received its first request to provide military observers for a third area of international dispute -- Palestine ^{5/}. Trained observers have been employed in Palestine since the end of May 1948, as will be described later in this chapter, but it was not until this year that Canada has been represented in this group. The first two Canadian officers arrived in Jerusalem on 16 February, the second two on 2 June 1954.

3. Letter contained in the files of the Far East Division, Department of External Affairs, Ottawa, seen by the writer, but file reference number not released for publication. (5475-CX-3-40: downgraded 28 Sep 54).
4. Telegram to the Minister of External Affairs, Ottawa, from the Secretary-General of the United Nations, seen but classified as above. (SCA 188/2/01).
5. Telegram to the Minister of External Affairs, Ottawa, from the Secretary-General of the United Nations, filed in the European Division under reference SG 35/1/-2.

Mention was made at the end of the previous chapter of Canada's acceptance (on 27 July 1954) of membership in the International Commissions on supervision and control of Vietnam, Laos and Cambodia, as provided in the respective agreements on the cessation of hostilities done at Geneva on 20 July 1954 ✓. Representatives of the Governments of Canada, Poland and India met at New Delhi from 1 to 6 August to study the terms and provisions in the agreement relating to the three commissions, and the functions and duties arising from these. On the conclusion of the conference a joint communique was issued by the three governments listing six decisions. The one quoted below refers to the establishment of military observer teams, and, therefore, is of concern in the present study:

"(V) Supervision and control

Fixed and mobile inspection teams composed of an equal number of officers from each of the three countries, in accordance with the provisions of the three Agreements, will be established as soon as practicable at the points prescribed and in terms of the relevant provisions of the three Agreements. Each country may provide technical personnel as required for each team and India will provide the additional technical personnel for the common services." ✓

The Geneva Conference on Korea and Indochina, where all countries with troops in the respective conflicts and the Soviet Union were represented at the meetings which were held from 26 April to 20 July 1954, emanated in February from the meeting in Berlin of the Foreign Ministers of the United States of America, France, the United Kingdom and the Soviet Union. It was not a conference held under the auspices of the United Nations; consequently the three supervisory commissions established by it to control the application of the provisions of cessation of hostilities in Indochina are not

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6. Government of Canada, External Affairs, Vol.6, No.8, August 1954, p.260.

7. Ibid., p.262.

United Nations Commissions; nor, therefore, are the inspection teams United Nations Military Observer Groups. Nevertheless, since Canada has contributed approximately ninety officers from the three armed services -- about 75 per cent from the Army -- for duty in connection with the three commissions in Indochina, and since the Secretary of State for External Affairs has stated that these commissions will function similarly to United Nations Truce Supervisory Commissions ^{8/}, it would seem to be pertinent to mention this new Canadian commitment in connection with this study of the functions of military observers.

In order to understand the nature of the work undertaken by Canadian military observers, and to appreciate its value within the function of the United Nations, it is necessary to describe the background of the three international disputes with which the respective observer groups are concerned. Although this is undertaken in a very condensed form, it is sufficient to indicate the intricacies of the problems underlying the purely military conflicts with which the military observer deals directly. These are outlined in the chronological sequence of their being placed before the General Assembly or the Security Council of the United Nations.

The Problem of the Independence of Korea

On 17 September 1947 the delegation of the United States of America requested that there be included in the agenda of the General Assembly of the United Nations the item: "The Problem of the Independence of Korea" ^{9/}.

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8. Press-statement by Mr. L. B. Pearson, quoted in the Edmonton Journal, 5 August 1954.

9. U.N. Document A/BUR/85, quoted in United Nations, Yearbook of the United Nations, 1947-48, p.81.

The representative of the United States explained the reason for his country's wishing to have this matter brought to the attention of the General Assembly by reminding the session of the series of international agreements previously made, which declared that in due course Korea should become free and independent. He recalled that, at Cairo in December 1943, the United Kingdom and China had made this the subject of a multilateral pledge which was confirmed in the Potsdam Declaration of July 1945, where it was subscribed to by the Union of Soviet Socialist Republics. At Moscow in December 1945, the Foreign Ministers of the U.S.S.R., the United Kingdom and the United States concluded an agreement designed to bring about the independence of Korea, providing for the establishment of a temporary trusteeship over that country. The United States' representative pointed out that this agreement was later adhered to by the Government of China. It provided for a joint U.S.S.R.- United States Commission which was to meet in Korea, and, through consultation with Korean democratic parties and national organizations, was to decide on methods of giving aid to Korea.

The representative of the United States declared that for about two years his government had been trying to reach agreement with the U.S.S.R. Government, through the Joint Commission and otherwise, on methods of implementing the Moscow Agreement, with the intention of bringing about the independence of Korea. Since these efforts had been fruitless his government had recently made proposals designed to effect the Moscow Agreement, and had asked the powers adhering to that agreement to discuss them. China and the United Kingdom had agreed to this, but the Government of the U.S.S.R. had not. Thus it appeared to the Government of the United States that further attempts to solve the Korean problem by means of bilateral negotiations would serve only to delay further the establishment of an independent and united Korea. Therefore, in order to achieve the desired result for Korea as quickly as

possible, the United States Government had brought the question before the General Assembly of the United Nations. ¹⁰✓

The representative of the Union of Soviet Socialist Republics replied with recrimination, and asserted that while the United States delegation tried to place the blame for the futility of the work of the Joint Commission on Korea upon the U.S.S.R. Government, the failure was in fact attributable to the United States Government. He claimed that the proposal to bring the matter before the General Assembly was a violation of the Moscow Agreement, an international agreement still in existence and therefore beyond the purview of the General Assembly.

The General Committee considered the question of the inclusion of the United States proposal in the Assembly's agenda on 21 September, hearing arguments on both points of view, and then recommended it. After considering the matter during two meetings on 23 September 1947, the General Assembly referred the question to the First Committee for consideration and report. Discussion of the problem in the First Committee was carried through five meetings, during which a number of resolutions were considered. On 5 November 1947 the First Committee adopted a resolution with broad amendments recommending to the General Assembly that a Temporary Commission on Korea be established "to be present in Korea with right to travel, observe and consult throughout Korea," with a view to guaranteeing free elections. The General Assembly considered the report from the First Committee in its plenary meetings of 13 and 14 November 1947, and adopted the resolution recommended by the Committee. (No. 112 (II)).

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10. United Nations, Official Records of The Second Session of the General Assembly, Plenary Meetings of The General Assembly, Summary Records of Meetings.

The text of the resolution recognized that the question of the independence of Korea was primarily a matter for the Korean people themselves, and could only be resolved fairly in the presence of their freely elected representatives. In order to facilitate and expedite such participation it was resolved to establish at once a United Nations Temporary Commission on Korea, which would assist in bringing about fair and free elections throughout the country.

It was hoped that, through nation-wide elections, it would be possible to establish a National Government for all of Korea. And it was intended that, once this government was instituted, all occupation forces might be withdrawn. This commission was composed of Australia, Canada, China, El Salvador, France, India, Philippines, Syria, and the Ukrainian Soviet Socialist Republic. However the Ukrainian S.S.R. refused to participate in the function of the body because of its previously expressed objections to the Commission itself. ¹¹ In the provisions of the General Assembly Resolution 112 (II) A and B, the United Nations Temporary Commission on Korea was authorized to travel, observe, and consult throughout that country.

The Temporary Commission held its first meeting in Seoul. Its efforts to communicate with the Soviet military authorities in the north, either directly or through the U.S.S.R. Government, were unsuccessful. Consequently, it referred back to the Interim Committee of the General Assembly for further instructions, so that it might implement the recommendation of the resolution that elections be held not later than 31 March 1948. These were to be on the basis of adult suffrage and by secret ballot. The purpose was that, after election of representatives, a National Assembly should form a National Government, which would as soon as possible take over the functions of government from the occupy-

ing powers, and arrange for the early withdrawal of the armed forces of the latter. The resolution called upon all members of the United Nations to afford every assistance to the Commission, and to refrain from interfering in the affairs of the Korean people.

This Temporary Commission was unable to obtain the co-operation of the Soviet Union and was refused entry into North Korea. It was able to supervise elections only in the territories to which it had access -- which, incidentally, contained two-thirds of the population. As a result of the free elections of 10 May 1948, the Korean National Assembly was convened on 30 June 1948 and on 15 August 1948 the Government of the Republic of Korea was proclaimed. Meanwhile, another government was set up in North Korea, complicating still further the problem of the independence and the unification of the country. ¹²✓

By resolution 195 (III) of 12 December 1948 the General Assembly set up the United Nations Commission on Korea, to carry on the work of the Temporary Commission, and with much the same terms of reference as its predecessor. However, the Commission was denied all access to North Korea. It received no replies to any of its attempts to make contact with the authorities of North Korea, either directly or through the Soviet Union. Meantime the areas along the 38th parallel -- the arbitrary frontier between North and South Korea -- became the scene of an increasing number of incidents, helping to dispel the last vestiges of any spirit of compromise between the peoples of the two regions. It seemed that the Commission's terms of reference were inadequate for the task for which it was responsible; they did not allow it any initiative in the constantly changing conditions, and it was able to adopt only

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12. United Nations, Official Records of the Fourth Session of the General Assembly: Summary Records of Meetings of the Ad Hoc Political Committee, 28 September 1949, p.2.

a passive attitude. It was continued in being by General Assembly resolution 293 (IV) adopted on 21 October 1949.

When Mr. Pyung Ok Cheugh, representing the Republic of Korea, addressed the Ad Hoc Political Committee of the General Assembly, on 29 September 1949, he likened his country to "the Greece of the Far East", in that bands of guerrillas, saboteurs and terrorists had infiltrated into its territory to conduct armed raids and to spread vicious propaganda. He felt that emergency measures were called for. 13/

It was for this reason that he proposed that the Commission should continue its work in Korea until its objectives were achieved, and he asked that, not only should the strength of the Commission itself be increased, but also it should receive the assistance of military observers in sufficient numbers to enable them to carry out their functions in several localities at once.

The representatives of many countries spoke in support of the Korean suggestion during the following meetings on this problem, but the representatives of the Soviet "bloc" expressed strongly their feeling that such a move was aimed only at securing military domination of Korea by the United States of America. They enlarged upon their statements that military operations were neither in hand nor contemplated in North Korea, and that, therefore, the use of military observers for the purposes suggested in the resolution was entirely unnecessary.

However, the sense of the meetings was summed up by the representative of New Zealand when, citing the example of the part played by observers in preventing the spread of the Greek conflict, he considered the establishment of observer groups along the 38th parallel both essential and urgent. The general feeling seemed to be that the situation along the "frontier" between North and

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South Korea was developing into one that could well lead to armed conflict.

The debate in the Ad Hoc Political Committee revolved around a draft resolution (A/AC.31/3) which had been proposed jointly by the delegations of Australia, China, the Philippines, and the United States, with amendments proposed by Guatemala (A/AC.31/7). This resolution followed closely the objectives set out in the General Assembly resolutions of 14 November 1947 and 12 December 1948, but took note of the likelihood of the outbreak of fighting in Korea, and recommended certain more definite terms of reference than those given to the Commissions established under the two earlier resolutions. The resolution was adopted in the Ad Hoc Political Committee on 3 October 1949, and was submitted to the General Assembly.

The report of the United Nations Commission on Korea, and the resolution of the Ad Hoc Political Committee, were discussed at length in the General Assembly on 21 October 1949. The representatives of the Soviet Union and its satellite countries were bitter in their denunciation of the interference of the United Nations in the internal affairs of the Korean people, and were full of protest that no military preparations were going forward in North Korea. They denied that access to North Korea had been refused to the Commission, and asserted that the guerrilla activity which South Korea was attempting to blame on North Korea was, in fact, local insurrection in its own midst. ¹⁴✓

"As the Commission's report to the Fourth Session of the General Assembly showed, most of the objectives assigned to the United Nations Commission on Korea were unattainable. The U.S.S.R. had maintained its refusal to have any dealings with the Commission, and efforts to make contact with the North Korean authorities had failed. The new Republic of Korea was being threatened by the increased incidence of insurgent uprisings and border clashes along the 38th parallel, dividing North from South Korea. Apart from its observation of the withdrawal of United States occupation

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14. Official Records of the Fourth Session of the General Assembly, Plenary Meetings of the General Assembly; Summary Records of Meetings, 20 September - 10 December 1949, pp.120-30.

Post. To be sent to the Secretary of the State Department, Washington, D.C.

The subject of this communication is the proposed
amendment to the Constitution of the United States
relating to the election of the President and Vice
President. The proposed amendment is as follows:
"The President and Vice President shall be elected
by the electors in each State, and the electors
shall be chosen in each State by the qualified voters
thereof." The proposed amendment is being
submitted to the States for ratification.

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forces in June 1949, the Commission thus had little to show for its year's work. In submitting its conclusions, the Commission refrained from recommending that its own mandate should be renewed, although it did record the request of the Republic of Korea that "the stay of the Commission in Korea be prolonged for another year". The final conclusion reflects the sense of the whole report in its admission that "the situation in Korea is now no better than it was at the beginning and that (the Commission) has not been able to facilitate the achievement of the objectives set by the General Assembly".

When the General Assembly considered this Report at its Fourth Session, the debates were marked by renewed expression of the long-standing differences between East and West on the Korean question. At the outset of the debate in the Ad Hoc Political Committee a representative of the Republic of Korea was invited to participate without vote in the Committee's discussion. A counter-proposal by the U.S.S.R. to extend a similar privilege to a spokesman for the authorities of Northern Korea was decisively rejected by the Committee. A detailed statement followed from the representative of the Korean Government, who outlined the major developments in the Republic since its inauguration, and asked that the Commission be continued with the assistance of military observers to report on border violations along the 38th parallel.

The remainder of the debate centred on two diametrically opposed resolutions dealing with the future of the Korean Commission. A proposal by the U.S.S.R. condemned the past activities of the Commission and urged its abolition. A joint resolution submitted by the United States, Australia, China, and the Philippines, recommended that the Commission should continue in being with authority to appoint at its discretion observers to assist it in reporting on "developments which might lead to or otherwise involve military conflict in Korea". The Soviet resolution received support only from the remaining five Communist delegations and was rejected by a heavy majority both in the Committee and in the full Assembly. The joint proposal, on the other hand, won wide support, and having been approved by the Committee, was adopted in the General Assembly by a vote of 48 in favour (including Canada), 6 against, and 3 abstentions.

Thus, although the Commission had been prevented from achieving its objectives, the great majority of the Assembly not only supported its continuation but endowed it with the increased authority to appoint observers. In supporting this decision, member states were undoubtedly prompted by a realization of the growing threat brought about by the border troubles along the frontier between North and South Korea. Furthermore, in a broader sense the Assembly's action would appear to represent an implied recognition of the stabilizing influence which United Nations commissions have exerted in such unsettled areas as the Balkans, Indonesia, and Kashmir.

Finally, the Assembly's decision may be interpreted as a recognition of the need for a stabilizing element in Korea which might, by its presence, exercise a restraining influence on the opposing factions and which could, in the event of an armed outbreak, keep the United Nations fully informed." 15/

On that date the General Assembly adopted the joint resolution submitted by its Ad Hoc Political Committee, and in its own resolution continued the United Nations Commission on Korea, and broadened the competence of the latter. ¹⁶ Under paragraph 1 of this resolution, the General Assembly instructed the Commission that it should:

"(a) Observe and report any developments which might lead to or otherwise involve military conflict in Korea;

(b) ... facilitate the removal of barriers to economic, social and other friendly intercourse caused by the division of Korea ... assist... in bringing about the unification of Korea....

(c) Have authority... to appoint observers....

(d) Be available for observation and consultation throughout Korea in the continuing development of representative government...

(e) Verify the withdrawal of Soviet occupation forces in so far as it is in a position to do so."

Because unification and the promotion of representative government remained the fundamental aims of the General Assembly, the Commission's terms of reference were substantially similar to those of the United Nations Temporary Commission on Korea in 1947. However, out of concern for the situation in Korea as described by the Commission in its report of 1949, resolution 293 (IV) added a new task: observing and reporting developments likely to "lead to or otherwise involve military conflict in Korea". In order to accomplish this task, the Commission was authorized "in its discretion to appoint observers". Regarding this function, it had been stated in the Ad Hoc Political Committee of the General Assembly that in the event conflict should occur, the United Nations would have at hand testimony from a duly constituted agency of its own regarding the nature and origin of such conflict and regarding the responsibility for its occurrence. ¹⁷

16. United Nations, Official Records of the Fourth Session of the General Assembly, Plenary Meetings of the General Assembly, Resolutions, No.293, 21 October 1949.

17. United Nations, Report of the United Nations Commission on Korea, covering the period from 15 December 1949 to 4 September 1950, General Assembly Official Records, Fifth Session, Supplement No.16, (U.N.Document A/1350) p.12.

Immediately upon convening in Seoul in December 1949, the Commission was made aware by broadcasts over Radio Pyongyang that hostility similar to that encountered by the Commissions in 1948 and 1949 would make it impossible for it to cross the 38th parallel or to establish contact with the North Korean authorities. How bitter and unrelenting this hostility was may be shown by quoting extracts from two of the broadcasts from this radio station.

On 24 December 1949, a broadcast entitled "Let us smash the United Nations Commission on Korea, a tool of aggression of the American imperialists" singled out what was termed the "newly established Military Supervision Committee", which, it was alleged, was tacked onto the Commission because "the American imperialists cannot trust in the capacity of the South Korean army trained by them" and will thus possess a device "for dispatching a large United States army to Korea". This referred, presumably to the right that the General Assembly had conferred upon the Commission of appointing observers.

Later, the decision of the Commission to employ United Nations field observers was greeted with abuse and derision by the northern régime.

On 27 March 1950 Radio Pyongyang said:

"The establishment of the so-called military supervisory group of the United Nations Commission on Korea represents the sinister plotting of American imperialists for internal interference.... On the excuse of investigating the armed clashes, the United Nations Commission, under the direction of American imperialists, has visited areas along the 38th parallel and other areas in the South. With its own eyes the Commission has seen that the Syngman Rhee puppet forces could not stand up against the might of the people's guerrillas. The Commission must have seen that it was nothing more than an attempt on the part of the puppet régime to create an internecine civil war.

"Notwithstanding, under orders from American imperialists, the Commission proceeded to form the so-called military supervisory group through so-called national representatives. In this series

of consultations the United Nations Commission on Korea and the Syngman Rhee régime discussed ways and means of creating an internecine civil war by bringing in American imperialist forces in the name of a military supervisory group for suppressing the patriotic struggle of the people."

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The interminable repetition of the same catch-phrases heard so often in the General Assembly, in the Security Council, and emanating from the sources of propaganda scattered through all parts of the world under Soviet domination, was indicative of the hopelessness of the Commission's efforts to deal with the "government" or the authorities of North Korea.

On 7 February 1950 the Commission established a Committee of the Whole to consider ways of implementing the Commission's task of observing and reporting any developments which might lead to military conflict in Korea. Following hearings of local authorities, several field trips were undertaken in such critical areas as Taegu, Chunchon, Kangnung, and north of Kaesong, where guerrilla activity was particularly rife, and the Committee took the opportunity to question captured guerrillas and refugees as well as local military and civilian people.

On 2 March 1950 the Committee of the Whole submitted to the Commission a progress report (A/AC.26/II/L.23) which concluded by recommending the employment of trained observers who would be stationed where needed under the prevailing circumstances, and would enable the Commission to be in constant touch with the situation. The Korean authorities consulted by the Committee were of the opinion that, although the situation held no immediate danger, the presence of United Nations field observers to watch developments on the spot would help the Commission to present an accurate picture to the United Nations. They also believed that the very presence of field observers would have a strong deterrent effect upon North Korean activities

along the 38th parallel.

The Commission, on 25 March 1950, decided to request the Secretary-General to provide it with eight observers, and with the necessary ancillary staff and equipment. The task of the observers, it was decided, would include observation, investigation, and interrogation, in connection with guerrilla activities in Korea and with military incidents in the region of the 38th parallel or in such other places as the Commission might decide. ¹⁹ ✓

The instructions to military observers to undertake each of these three functions of observation, investigation and interrogation might seem to be a belabouring of detail. Yet, in the military sense, there are definite distinctions between the three tasks. Observation implies the maintenance of an alert mind taking continual notice of all movements of personnel and equipment, of their state of preparedness for action, of the state of morale, et cetera. Investigation is the process of the more formal type of systematic search undertaken to determine the facts of a dispute or a complaint relating to alleged violations of a cease-fire or a truce, or some other specific case. Interrogation, being any form of questioning, may be included as one means within the process of investigation: however, military observers usually must undertake extensive questioning in a general sense which may be well outside any specific investigation. This is necessary if the observer is to keep continuously au fait with the environment in which he is operating.

Towards the end of May 1950, two United Nations field observers arrived in Seoul. ²⁰ ✓ As the arrival of the other six observers was delayed,

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19. Ibid., p.14.

20. Ibid., Annex 2, p.34. (Major FSB Peach and S/L RJ Rankin, Australia.)

London, 18th January 1881.

My dear Mr. Stowe,

I have just received your letter of the 12th inst. and am glad to hear that you are still interested in the subject of the "History of the English Language". I have been thinking of writing to you for some time, but have been so busy that I have not had time to do so.

I am very glad to hear that you are still interested in the subject of the "History of the English Language". I have been thinking of writing to you for some time, but have been so busy that I have not had time to do so.

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I have been thinking of writing to you for some time, but have been so busy that I have not had time to do so. I am very glad to hear that you are still interested in the subject of the "History of the English Language".

Yours very truly,

J. H. Stowe.

I have been thinking of writing to you for some time, but have been so busy that I have not had time to do so.

the Committee of the Whole authorized field trips to be carried out by these two officers, so that they might familiarize themselves with conditions in the regions along the 38th parallel. On the basis of this knowledge, they were to prepare a plan for the organization of the observers into teams in the field. It was also understood that the teams would bring to the notice of the Commission any important matters and any evidence that they might be able to obtain during their trips. This last instruction turned out to be of the utmost importance.

On 9 June 1950 the two military observers referred to above left Seoul to make an inspection trip along the 38th parallel. On 23 June, only thirty-six hours before the invasion of South Korea began, they returned to Seoul and commenced the preparation of their report. Throughout their tour they had been afforded every opportunity of examining conditions along the parallel and had been freely admitted to all sections of divisional and regimental headquarters, including the operations rooms. From the tour they gradually obtained a clear picture of the deployment on a strictly defensive basis of the South Korean forces. Their report was completed on 24 June 1950, on the eve of the invasion from the north. 21/

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21. This document was drafted in Seoul by the observation group on Saturday, 24 June 1950, the day following their return from Ongjin peninsula. It was not, however, possible to reproduce and circulate this document owing to the rapid march of events. The report was briefly explained to the Commission at its meeting in Seoul on Monday, 26 June, and the decisions arrived at on the basis of the report were included in the cablegram dispatched by the Commission to the Secretary-General dated 26 June, transmitting a report (reproduced as Security Council document S/1507) concerning the military situation. The report was further considered at a meeting of the Commission held in Camp Hakata on 29 June 1950, and a report was dispatched to the Security Council the same day (S/1518).

Vide, I.J.Stone, The Hidden Story of the Korean War, Monthly Review Press, New York, 1952. This left-wing writer typifies the many who criticized this observation report on the score that it could have been compiled after the event in terms which enhance the case for the United Nations. However, there is ample evidence to refute his claim.

The events of the following morning -- which will be described briefly below -- conferred upon the observations regarding the defensive positions of the South Korean forces a significance of which the observers, when they drafted their report and passed it to secretariat personnel for reproduction, could not have been aware. This very unawareness gives to their observations a special value, which the Commission was able to take into consideration with due weight.

On Sunday, 25 June 1950, at 1330 hrs (Korean Time) the United Nations Commission on Korea was informed officially by the Foreign Minister of the Republic of Korea that the territory of the Republic had been invaded at about 0400 hrs that morning by the armed forces of the North Korean authorities, and was still under attack all along the 38th parallel. The Commission assembled shortly afterwards and examined detailed reports (which had been received from the Ministry of Home Affairs) of fighting in towns and villages south of the parallel.

At 1700 hrs the Commission's field observers reported that Northern armed forces had that morning taken the Southern defences completely by surprise in a well-mounted attack all along the 38th parallel. They gave in detail the progress of the battle, and the forces involved. For example, in the centre, a total of twenty-one tanks had been observed at various places moving towards Uijongbu, on the shortest route to Seoul. Further east there had been an attack in regimental strength with two battalions of artillery, totalling 3,100 men. The main attack in the east had been by sea, where troops had been landed from twenty ships.

The Commission immediately drew the attention of the Secretary-

General to the situation, which in the opinion of the Commission was serious and was assuming the character of a full-scale war which might endanger the maintenance of international peace and security. The Commission suggested that the Secretary-General might consider the possibility of bringing the matter to the notice of the Security Council. 22

On the following morning, 26 June 1950, the Commission was informed of the adoption by the Security Council, on 25 June 1950, of the resolution which termed the armed invasion of the Republic of Korea a breach of the peace, and called upon the authorities in North Korea to cease hostilities forthwith and to withdraw their armed forces to the 38th parallel.

On the basis of the evidence which it was able to study during the morning, the Commission sent a cablegram (S/1507) to the Secretary-General in the detail of which was stated:

"... considered latest reports on hostilities and results direct observation along parallel by UNCOK military observers.... [It is the] Commission's present view... judging from actual progress of operations Northern régime is carrying out well-planned concerted and full-scale invasion of South Korea... that South Korean forces were deployed on wholly defensive basis in all sectors.... That they were taken completely by surprise...." 23

The contrary view was expressed -- not unexpectedly -- in a radio broadcast delivered at 0920 hours on 26 June 1950, when General Kim Il Sung reiterated the North Korean claim that South Korea, having rejected every Northern proposal for peaceful unification, had crowned its iniquity by launching an invasion force across the parallel in the section of Haeju, thus precipitating North Korean counter-attacks.

The Commission was able to report to the Secretary-General that the

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22. United Nations, Yearbook of The United Nations, 1950-51, quoting U.N. document S/1496.

23. U.N. document A/1350, p.3.

events taking place in Korea did not break out on 25 June 1950 as the result of a provocative attack by the troops of the Republic of Korea, much less the result of the launching of an invasion force across the parallel by the Republic of Korea, as was alleged by the authorities of North Korea. Having had free access to all areas in South Korea, the Commission was at all times aware of the military situation in the South. Regarding the period immediately preceding the invasion, the Commission had before it the report submitted by the two field observers on 24 June 1950.

On the basis of that report, and its own knowledge of the general military situation, the Commission formed the unanimous opinion that no offensive could possibly have been launched across the 38th parallel by the Republic of Korea on 25 June 1950. It was able to report to the United Nations, therefore, that the North Korean authorities had initiated a war of aggression, without provocation and without warning.

This is the one and only case, up to the present time, when a commission established by the United Nations, in the furtherance of its efforts to achieve the peaceful settlement of international disputes, has been fortunate enough to have had military observers functioning in the area of conflict actually prior to the major act of aggression. In this case, the factual and objective report prepared "on-the-spot" by two military observers on the basis of their observations and investigations in the Forward Defence Localities of the South Korean forces, was of vital importance in enabling the Security Council to name the aggressor at once.

The original request by the Commission for the despatch to Korea of eight military observers had been answered with arrangements for only two to report immediately. These were the two Australian officers referred to

earlier. Immediately after the invasion of South Korea by the Inmun Gun (The Democratic Peoples' Army of North Korea) the Security Council asked various member-States to supply personnel to serve in Korea as members of an observer group attached to the Commission. Canada agreed to send two, the Philippines two and El Salvador one. The Canadian officers arrived at Pusan on 21 July 1950, three weeks after the commencement of the invasion. The officer from El Salvador arrived with them, and the two from the Philippines some weeks later.

Obviously their tasks were to be very different from those visualized by the Commission when it had first asked for observers on 25 March 1950. Then it was stated that their duties would be mainly the responsibility for observation, investigation and interrogation. All of these functions were carried on, but many additional responsibilities were added immediately the observers reported to the Commission. Superficially, these new activities would appear to be no more than extensions to the three primary functions, altered by drastically changed circumstances.

The writer was given a very interesting description of these tasks, of how the group functioned, and the conditions in which its personnel laboured, by one of the Canadian officers who served as a military observer in Korea for approximately nine months. ²⁴✓

By the time the Canadian officers reached the battle-area, refugees were pouring down the roads from North Korea into the South. The first task tackled by these very few observers was that of assisting the officials of the World Health Organization who were inundated by the vast undertaking of locating and assessing the numbers of these refugees.

The Commission was anxious to determine to what extent personnel

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24. Wing Commander H. Malkin, RCAF.

in the North Korean army had been given political indoctrination. A pre-forma was made on the basis of which the observers, as neutrals, conducted interrogation of prisoners-of-war in a manner different to the usual army interrogation for military information. Some useful results in the political field were obtained. As the numbers of prisoners-of-war increased greatly, this interrogation by the observers resolved itself into a series of "spot-checks", in the hope of questioning any captured government officials and political leaders. It was very difficult to spot any such personnel other than by noticing that certain soldiers were treated with a deference by their superior ranks that was not normal in a military force. Actually very little useful information was obtained in this way.

Concurrently, the observers endeavoured to make an impartial and regular assessment of the military strength of the northern forces. When it was found that in this work there was considerable duplication of effort with the military intelligence staff of the United Nations' forces, this investigation was dropped. It is questionable whether the United Nations' military observers in Korea -- or in any other such area of hostilities -- should have been instructed to carry out this duty. In performing the functions of an observer one of the first requirements of an officer is the preservation of absolute neutrality. Since personnel representing the United Nations in Korea after 25 June 1950 were representatives of one of the parties to the conflict, and particularly since some of them were nationals of countries such as Australia, Canada and the Philippines which were committing armed forces to the conflict, it would be inevitable that their "neutrality" would be compromised. The writer's informant confirmed that this certainly happened in Korea.

One of the more unpleasant duties in which the military observers

In the first instance, the Commission has to consider the question of the validity of the evidence which has been submitted to it. It is not sufficient to say that the evidence is "prima facie" valid, but it must be shown that it is "conclusive". This is a question of fact, and it is for the Commission to decide whether or not the evidence is conclusive. If it is, then the Commission must find in favour of the party who has submitted it. If it is not, then the Commission must find in favour of the other party. This is the principle which governs the Commission's decision.

The Commission has to consider the evidence which has been submitted to it, and it has to decide whether or not it is conclusive. It is not sufficient to say that the evidence is "prima facie" valid, but it must be shown that it is "conclusive". This is a question of fact, and it is for the Commission to decide whether or not the evidence is conclusive. If it is, then the Commission must find in favour of the party who has submitted it. If it is not, then the Commission must find in favour of the other party. This is the principle which governs the Commission's decision.

became deeply involved was the gruesome investigation of the charges that North Korean forces had committed such atrocities as the "Taegjon Massacre". The investigations were completed successfully, but the observers found it slow and frustrating work. Few witnesses were willing to commit themselves for fear of possible reprisals. In this function, the military observers cooperated with the investigators from the Judge Advocate General's Branch of the United States Army, but they conducted their own neutral and independent investigation.

With Chinese Communist intervention in the military aspects of the war, the work of the United Nations' military observers increased again. The investigations conducted by the group, on the extent and the effect of this injection of better soldiers and better equipment into the battle, were handicapped by its small size. Incidentally, it was a Canadian observer who made the first confirmation of the identification of a Russian combatant -- a lieutenant in the Air Force, complete with Russian uniform, and Communist Party Card -- who was shot down into the sea off the west coast of Korea on 4 September 1950 during a bombing attack on United Nations' naval units. ²⁵✓

The maintenance of constant and close liaison between the Commission and the headquarters of the United Nations' armed forces was another responsibility for the observers. Although their function under the original terms of reference was frustrated by the turn of events, the observers were able to produce valuable results for the Commission. Yet it is probable that, legally, the United Nations should not have continued the employment of military observers in Korea after the organization was committed to fighting on 25 June 1950. Similar results, equally valuable, could have been obtained by civilian personnel whose military status as "neutral" would not have been compromised to

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the same extent, and who would not have been looked upon with natural suspicion as representing one of the warring parties.

The future Government of Palestine
(Plan of Partition)

On 28 April 1947 the first special session of the General Assembly of the United Nations met at the call of the Secretary-General in response to a request by the representative of the United Kingdom on 2 April 1947 for the constituting and instructing of a special committee which would study the problems of Palestine and report to the next regular session of the General Assembly. 26

The United Nations Special Committee on Palestine, established by Resolution 106(S-1), preceded to that country and conducted a thorough investigation into the causes of the violence then being suffered in the region. Its report was received by the General Assembly on 23 September 1947, and was referred to an Ad Hoc Committee which, subsequently, recommended a plan of partition of Palestine with economic union -- following fairly closely the proposals of the majority of the Special Committee.

On 29 November 1947 the General Assembly adopted resolution 181 (II) which approved the report of the Ad Hoc Committee and established the United Nations Palestine Commission. This commission the General Assembly charged

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26. The many references within the text of this description of the Palestine Question have been obtained from United Nations, Summary Statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration, (United Nations Document S/3175) 8 February 1954, pp.24-33. For study in detail, reference should be made to the United Nations documents shown in brackets in the text. Any other references are shown in footnotes.

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with the task of implementing the resolution. It was to assume administrative responsibilities in Palestine in the interval between the termination of the British Mandate and the establishment of two independent Arab and Jewish States.

In a letter dated 2 December 1947 (A/614), the Secretary-General transmitted to the President of the Security Council the General Assembly resolution 181 (II). At its next following meeting the Council noted the resolution but did not discuss it. In the meantime, unfortunately, the Commission continued to meet obstruction from the Arab Higher Committee, and violence was becoming more widespread between the Jews and the Arabs in the region.

On 5 March 1948 the Security Council adopted resolution S/690 calling upon the permanent members to consult regarding the situation in Palestine and appealing to all governments to act to prevent the disorders occurring there. When this had no effect on the situation the Council, on 1 April 1948, adopted two resolutions (S/714) calling for a truce in Palestine, and requesting convocation of a special session to consider further the question of the future government of that region.

The representatives of the Jewish Agency and of the Arab Higher Committee, meeting with the President of the Council, were not able to agree on bases for a truce, so the Council adopted on 17 April 1948 a resolution outlining the principles and machinery for a truce (S/723). On 23 April it established a Truce Commission (S/727) to assist in the implementation of the truce arrangements, and which was to be composed of the representatives of those members of the Council, except Syria, who had career consular officers in Jerusalem. As had occurred in the setting up of the Commission of Investigation in Indonesia, the U.S.S.R. was again excluded from membership.

Armed hostilities broke out in Palestine on 14 May 1948, and on

22 May the Council adopted a resolution (S/773) which called upon the parties to issue cease-fire orders within thirty-six hours.

Meantime the General Assembly, in a resolution 186 (S-2) adopted on 14 May 1948, empowered the appointment of a United Nations Mediator to promote a peaceful adjustment of the future situation of Palestine, and relieved the Palestine Commission of further responsibility under resolution 181 (II) by which it had been created. The Mediator was directed to conform with such instructions as the General Assembly or the Security Council might issue.

Resolution S/801, adopted by the Council on 29 May 1948, called for a four weeks' cessation of hostilities, and instructed the Mediator -- Count Folke Bernadotte of Sweden -- to supervise the cease-fire in concert with the Truce Commission which was to be provided with military observers. After the Arab States and the provisional Government of Israel advised the Council of their acceptance of this resolution, the Council agreed on 3 May that the Mediator should be given full authority to interpret the terms of the cease-fire resolution. It provided, however, that if his interpretation should be challenged the matter would be submitted to the Council.

Although the Council appealed urgently to the Arabs and the Jews on 7 July for a prolongation of the truce which was to expire on 9 July 1948, the fighting started again. On 15 July the Council adopted resolution S/902 describing the situation in Palestine as a threat to the peace within the meaning of Article 39 of the Charter, ordering an indefinite cease-fire, and instructing the Mediator to supervise the truce and to establish procedures for examining alleged breaches. On 17 September the Mediator was assassinated, and was succeeded by Dr. Ralph Bunche with full authority over the Palestine mission.

On 11 December 1948, in its resolution 194 (III), the General Assembly established a Palestine Conciliation Commission which was to assume the function of the Mediator under its resolution 186 (S-2) in taking steps to assist the governments concerned in achieving final settlement of all outstanding questions. On 6 January 1949 the Acting Mediator informed the President of the Security Council that the governments of Egypt and Israel had accepted unconditionally a proposal for a cease-fire in the Negev area, and would enter immediately into direct negotiations (S/1187). Between February and July 1949 armistice agreements were signed between Israel on the one hand, and on the other Egypt, Lebanon, the Hashemite Kingdom of Jordan, and Syria. On 21 July the Acting Mediator submitted his final report on the status of the armistice negotiations and the truce in Palestine.

On 11 August the Council adopted a resolution (S/1367) which, amongst many other items, relieved the Acting Mediator of any further responsibility under its resolutions, but requested the Chief-of-Staff to report to the Council on the observance of the cease-fire. It is also established that the armistice agreements were to be supervised by the Mixed Armistice Commissions under the chairmanship of the Chief-of-Staff. Since then the Chief-of-Staff has periodically submitted reports on the work of the Truce Supervision Organization. ✓

The number of complaints and charges made by the nations of the

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27. The appointment of The Chief-of-Staff in the truce supervision body in Palestine is similar to that of The Chief Military Observer attached to other commissions such as those for Indonesia and for India and Pakistan. In Palestine and in the seven Arab States the entire system of observation was administered on behalf of The Mediator by The Chief-of-Staff, who was directly responsible to The Mediator. In Kashmir the Chief Military Observer was similarly responsible to the Commission through the Military Adviser. Following the withdrawal of both of these commissions, the Chief-of-Staff in Palestine and the Chief Military Observer in Kashmir are now directly responsible to the Secretary-General of the United Nations for administration^{of the} system, and they report directly to him.

On 11 January 1957, the President of the United States, Dwight D. Eisenhower, issued a statement in which he announced that the United States would not use nuclear weapons against the Soviet Union unless it was necessary to defend the United States or its allies. This statement was a significant development in the Cold War, as it clarified the U.S. policy on nuclear weapons. The statement was widely reported in the media and had a major impact on international relations.

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two sides in this bitter conflict, alleging violations of the truce terms by one side and the other, have been continuing ever since the struggle began, and amount to scores each month. The majority of these relate to petty but irritating incidents such as the crossing of borders by unauthorized persons, theft of animals, and the random firing of occasional rifle-shots across the borders. Other charges are more serious, and continue to exercise the best efforts of the Truce Supervision Organization. These investigations have been made much more difficult since Israel withdrew from the Mixed Armistice Commission on 23 March 1954, and returned only for an emergency meeting on 1 July 1954 for which Israel had put in a special request on the previous day.

In the interval, Israel refused to recognize mail from the Commission, and prevented United Nations' military observers from carrying out their functions on Israeli territory under threat of being shot. ^{28/} And it seems to be the authorities of the Arab States who submit the majority of complaints about serious violations, such as armed raids across the border, armed clashes between patrols which result in varying numbers of fatal casualties, and bombardment of civilian areas. ^{29/}

The following are a few random examples taken from recent reports of incidents on which complaints have been submitted to the Truce Supervision Organization. On 19 June 1954, three Israeli soldiers were killed and one Jordan woman was wounded in a border incident which the Jews refused to allow observers to investigate on Israeli territory; 21 June, Israeli troops fired on a Jordanian group at the border, injuring a boy; one on each side was

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28. Royal Institute of International Affairs, Chronology of International Events, Vol. 10, No.13, 7 July 1954, p.423.

29. Ibid., Vol.10, Nos 1-14, December 1953-July 1954.

A tally made of all complaints alleging violation of the Cease-Fire Line by both parties between 17 December 1953 and 21 July 1954 shows that during this period twenty-seven serious incidents were recorded against Israel and seven against Arab States.

killed in a border clash in the Plain of Sharon on the night of 26 June; and on the 30 June two hours of mortar and machine-gun firing in the city of Jerusalem resulted in some thirty casualties among Israelis and twenty-eight among Jordanians. ³⁰✓

The examples of cease-fire violations quoted above were all dealt with by the Organization on the spot. However there have been a number of complaints which have been referred from the theatre of conflict to the Security Council for settlement. Thus, on 9 September 1950, Egypt drew to the attention of the Council the expulsion by Israel of thousands of Palestinian Arabs into Egyptian territory, and alleged violations by Israel of the General Armistice Agreement (S/1789).

On 17 April 1951 the Council received counter-claims submitted by Syria and Israel on alleged violations resulting in the continuation of fighting in demilitarized zones such as the Huleh Marshes (S/2130). On 11 July 1951 Israel complained of interference by Egypt with shipping in the Suez Canal which was destined for Israel (S/2241), as a result of which the Council called upon Egypt to terminate the restrictions on the passage of international shipping of a commercial character through the Suez Canal (S/2322).

In the ten meetings held between 19 October and 25 November 1953, during which time Major General Vagn Bennike, Chief-of-Staff of the Truce Supervision Organization in Palestine, presented a comprehensive report on the activities of the four Mixed Armistice Commissions, and referred particularly to the violent incidents at Qibiya on 14-15 October, the Security Council considered a draft resolution which censured strongly the conflicting

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forces of Jordan and Israel, with particular reference to the latter (S/3139/Rev.2). On 20 November 1953 the Council adopted the resolution.

In a letter dated 16 October 1953 the representative of Syria complained to the Council that on 2 September Israel had started in the demilitarized zone to divert the Jordan River into a new channel (S/3108/Rev.1). Syria alleged that this diversion was being undertaken to make the river flow through Israel's own territory. In a meeting on 27 October 1953 the Security Council endorsed the action taken by the Chief-of-Staff in Palestine when, on 23 October, he had obtained from Israel a stoppage of the work pending settlement of the question by the Council. A generous resolution proposed in the Council, whereby the United Nations would have placed at the disposal of Israel and Syria a sufficient number of experts to make a complete appreciation of the project, and to protect the interests of all parties, was vetoed by the Soviet Union (S/3151/Rev.2).

These are but examples of the type of problems placed before the Security Council by the conflicting parties in the seemingly endless dispute over the partition of Palestine, and the future government of the area. In recent reports, for example those of 27 October 1953 and of 4 March 1954, the Chief-of-Staff of the Truce Supervision Organization informed the Security Council that along the greater part of the border areas, tension in this dispute is not becoming any less, in fact, it seems to have increased. Certainly, the number of complaints of serious violations of the cease-fire have increased.

At the time he presented his report personally to the Council on 27 October 1953, Major General Vagn Bennike was asked a number of questions to which he gave written answers and which were discussed at length on 9 and 12 November. Although most of these related to the attack by Israeli forces

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upon the village of Qibiya on 14-15 October, several questions referred specifically to the functions of the military observers who were serving under the direction of the Chief of Staff. ³¹

General Bennike told the Security Council that in addition to their investigation of numerous complaints — of which 345 were recorded in eleven months on the Israel-Jordan line alone — the observers on the Israel-Jordan demarcation line had to cover a frontier of 620 kilometres, and usually attended two or three local commanders' meetings each week. He went on to describe how the observers, under his instructions as Chief-of-Staff, performed their functions of "observing and maintaining the cease-fire", and "assisting the parties to the armistice agreements in the supervision of the application and observance of those terms." In answer to a question on the effectiveness of the observer group, General Bennike said that the experience of The Truce Supervision Organization in Palestine as well as that in Kashmir supported the view that the presence of observers along the cease-fire line is helpful in preventing frontier incidents. ³²

The India - Pakistan Question

The third area of dispute to be described, in which Canadian Military Observers are serving, is that commonly referred to as the Kashmir Dispute.

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31. United Nations, Security Council, Verbatim Record of the Six Hundred and Thirty-Fifth Meeting 9 November 1953, (United Nations Document S/PV.635, Annex I) pp.6-7,12-13,43.

32. The questions and answers referred to are quoted in detail in Appendix 'E' to this paper.

Of the various United Nations Military Observer Groups, this was the first to which officers of the Canadian Forces were posted for duty; and it is the one in which by far the greatest numbers have served. To date, some forty Canadians have undertaken tours of duty in Kashmir, two in Korea, and four in Palestine, in the respective observer groups. 33

In order to maintain the continuity of purpose of this present chapter, which is to give a condensed description of each of the three international questions in which Canadian military observers have been involved, and a resumé of the successive steps by which each has passed through the Security Council, the following outline of the India - Pakistan Question adheres to the pattern employed in describing above the two questions of Korea and Palestine. Important details of the dispute, as they appeared both inside and outside the Security Council, as well as pertinent tangential issues, will be described in expanded form in Chapter IV.

By means of a letter dated 1 January 1948 (S/628), the representative of India, under Article 35 of the Charter, requested the Security Council to call on Pakistan to stop immediately giving assistance to invaders in the State of Jammu and Kashmir, since such assistance was an act of aggression against India. 34

The matter was admitted to the agenda of the Security Council on 6 January 1948. In accordance with Article 31 of the Charter, the representatives of India and Pakistan were invited to participate in the discussion without vote. At the request of the latter, further discussion was postponed

33. Reference is made to the Nominal Roll of observers attached at Appendix 'C'. At the time of writing, two of those shown as still serving are returning to Canada and are being replaced by others.
34. Applicable United Nations documents are indicated in brackets within the text.

until 15 January. On that date, by letter (S/646), the Foreign Minister of Pakistan submitted three documents replying to the charges by India, and levelling charges by Pakistan on which the Council was requested to take action.

In the period 14-17 January the Security Council heard statements by the representatives of the two parties concerned. The Council then adopted a draft resolution (S/651), calling upon the parties to take all measures to improve the situation. It was then proposed that the President of the Council meet with the representatives of the two governments concerned so as to find common ground for a settlement.

Following his talks with the parties, the President reported to the Council on 20 January, and submitted a draft resolution (S/654) which had been drawn up as a result of the talks, establishing a commission of three members to investigate and exercise mediation. One member was to be selected by India, one by Pakistan, and the third by these two.

By a letter dated 20 January 1948 (S/655), the Minister for Foreign Affairs of Pakistan requested consideration of matters in the Pakistan complaint other than the question of the accession of the State of Jammu and Kashmir. In consequence, the Security Council decided to change the title of the question, considered until then as the "Jammu and Kashmir Question", to the "India - Pakistan Question".

On 21 April 1948 the Council adopted a draft resolution (S/726) enlarging the membership of the commission to five and recommending to the Governments of India and Pakistan various measures designed to bring about a cessation of the fighting and to create conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir was to accede to India or to Pakistan. On 23 April, Belgium and Colombia were nominated as

two additional members of the Commission, Argentina having been nominated earlier by Pakistan and Czechoslovakia by India. The last two having failed to agree upon a third member, under the original resolution (S/654), the President of the Council, on 7 May, designated the United States of America. On 3 June 1948 the Security Council directed the commission of mediation to proceed without delay to the area of dispute, and to study and report to the Council on the matters raised in the letter of 15 January 1948 from the Foreign Minister of Pakistan (S/819).

On 22 November 1948 the United Nations Commission for India and Pakistan submitted to the Security Council an interim report (S/1100) dealing with its activities up to 22 September. A second interim report was submitted by the commission on 13 January (S/1196). In these reports the commission informed the Council of its adoption, on 13 August 1948 and 5 January 1949, of resolutions embodying a cease-fire order and principles to serve as a basis for a truce agreement between the parties, as well as measures relating to the holding of a plebiscite following implementation of the demilitarization process to be established in the truce agreement. The commission stated that the cease-fire had become effective as of 1 January 1949.

The commission returned to the Indian sub-continent on 4 February 1949 in order to work on the implementation of the agreement embodied in the two resolutions. In presenting its third interim report (S/1430 and Addenda 1 and 2) on 5 December 1949, the Chairman of the Commission reported that since its return to the sub-continent, despite constant efforts, no substantial progress had been made in implementing that part of the resolution of 13 August 1948 which dealt with the truce and was concerned primarily with the withdrawal of troops. The commission had therefore decided to refer the matter back to the Security Council with the recommendation that the Council should designate,

The following is a list of the names of the persons who have been elected to the office of the President of the United States, and the names of the persons who have been elected to the office of the Vice President of the United States, in the year 1800.

President: Thomas Jefferson

Vice President: Aaron Burr

The following is a list of the names of the persons who have been elected to the office of the President of the United States, and the names of the persons who have been elected to the office of the Vice President of the United States, in the year 1804.

President: James Madison

Vice President: George Clinton

The following is a list of the names of the persons who have been elected to the office of the President of the United States, and the names of the persons who have been elected to the office of the Vice President of the United States, in the year 1808.

President: James Madison

Vice President: George Clinton

in lieu of the commission, a single individual with broad authority to endeavour to bring the two governments together on all the unresolved issues. On 16 December 1949, the representative of Czechoslovakia on the commission submitted a minority report (S/1430/Addendum 3) criticizing certain aspects of the work of the commission and calling for the establishment of a new United Nations Commission for India and Pakistan.

At its meeting of 17 December the Council requested the President—General A.G.L. McNaughton, Canada — again to meet informally with the conflicting parties to try to find a mutually satisfactory basis for settling the questions at issue. After no agreement was reached following repeated efforts, the Council discussed the question up to 14 March 1950, when it adopted a resolution (S/1461) which provided for the appointment of a United Nations Representative to assist in the preparation and to supervise the implementation of the programme of demilitarization to be agreed upon by the parties, and to exercise the powers and responsibilities devolving upon the commission. He was also empowered to explore other possible solutions of the question.

On 12 April 1950, the Security Council decided to appoint Sir Owen Dixon, of Australia, as United Nations Representative for India and Pakistan. Sir Owen left Australia for New York immediately, and after a week at United Nations Headquarters, proceeded to the sub-continent. In his report to the Council, submitted on 15 September 1950 (S/1791), Sir Owen Dixon indicated no further progress towards the demilitarization of the State of Jammu and Kashmir. He questioned whether it might not be better to leave the parties to themselves in negotiating terms for the settlement of the problem, and stated that he was not prepared to recommend any further course of action on the part of the Council.

Expressing concern over the delay in dealing with the report of the Representative, the Minister for Foreign Affairs of Pakistan submitted a letter (S/1942) on 14 December 1950 in which he declared that various steps were being taken by the Government of India and the Maharaja's Government in Kashmir to prejudice the holding of a free and impartial plebiscite to decide on the accession of the State.

Sir Owen Dixon's report finally came up for consideration at the Security Council meeting on 21 February 1951. After considerable discussion a joint draft resolution (S/2017/Rev.1) was adopted on 30 March which, amongst other things, reminded the governments and authorities concerned of the principle that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people expressed through a free and impartial plebiscite conducted under the auspices of the United Nations; provided for the appointment of a successor to Sir Owen Dixon; and instructed the Representative to effect the demilitarization of the State on the basis of the two resolutions of the United Nations Commission for India and Pakistan. On 30 April 1951, the Council approved the appointment of Dr. Frank P. Graham (U.S.A.) as United Nations Representative for India and Pakistan.

Five reports have been submitted to the Security Council by Dr. Graham: 15 October 1951 (S/2375 and Corrigenda 1 and 2), 18 December 1951 (S/2448), 22 April 1952 (S/2611), 16 September 1952 (S/2783 and Corrigendum 1) and 27 March 1953 (S/2967). In the first of these the Representative set out a twelve-points draft agreement between the Governments of India and Pakistan concerning demilitarization of the State of Jammu and Kashmir. He indicated that agreement had been reached on four points in the proposal, and set forth the position of the two parties on the remainder. The Council considered the report on 18 October and on 10 November 1951 before requesting the Representative

to continue his efforts (S/2390).

In the second report, Dr. Graham informed the Council that agreement had been reached on four more of the points in the draft agreement, but that the basic difference between the two governments remained the same. After consideration of this report on 17, 30 and 31 January 1952, the United Nations Representative was empowered to continue his efforts to accomplish his mission. The third and fourth reports showed that the two governments had agreed on a further two points in the draft agreement, but on the two vital points covering the number and character of forces to remain on either side of the cease-fire line, and the date by which the Plebiscite Administrator would be appointed to office, agreement had not been reached. Dr. Graham reported that he had proposed certain definite minimum figures for these forces, but it had not been possible to secure agreement on the two sides of the issue. The discussions in the Security Council extended through 10 October, 6 November, 5, 8, 16 and 23 December 1952, before the Council adopted a joint draft resolution (S/2883) in which it urged the two governments to negotiate on the specific numbers of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, and set the limits of these to be between 3,000 and 6,000 on the Pakistan side and between 12,000 and 18,000 on the Indian side. The resolution also empowered Dr. Graham to continue his efforts as United Nations Representative to assist the Governments of India and Pakistan in their endeavours to reach agreement.

In his fifth report (S/2967), the Representative informed the Security Council of his further meetings and conversations with the two governments, and advised that none of the proposals put forward had proved acceptable to both parties. In each of his previous four reports Dr. Graham had requested extension of his mandate. In this one, just as Sir Owen Dixon

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had done two and a half years previously, he suggested that the Council now leave the solution of the impasse to direct negotiations between the Governments of India and Pakistan. In so far as the Security Council is concerned that is precisely how the matter stands today. Bilateral negotiations between India and Pakistan on this question began well enough in an atmosphere of improved relations during April 1953, but subsequently this deteriorated until they came to a full halt in February 1954.

The principal purpose underlying the presentation of factual information in this chapter has been based on the need for a description of the manner in which each of the three international disputes under consideration have been brought to the attention of the Security Council, the reaction of the Council to them, and how it proceeded to take steps towards their settlement in a peaceful way.

Although the matter of the place taken by the military observer is to be considered in somewhat more detail in the next chapter, where he fitted into the procedures of the United Nations functioning bodies in Palestine and in Korea as a result of certain specific decisions by the Security Council, has been introduced in this chapter. This is done in order to complete the picture of the observer in these two regions before they are dismissed at the end of this part of the study. Thus the consideration given to the questions of the partition of Palestine, and the re-unification and independence of Korea seems to be somewhat fuller than that given to the Kashmir dispute, which is to be considered further in Chapter IV.

Thus far this study has been concerned with international disputes in three widely separated areas of the world. It has shown how three different pairs of cultures, giving rise to three different basic causes of friction, have brought about frictions of serious import. Further, it has been shown that these have exercised fully the efforts of a world organization set up with

the main purpose of maintaining peace.

Early in 1947 the United Kingdom was deeply concerned about the internal strife building up within Palestine as preparations were being made for the termination of the British Mandate. In view of the international character of the conflict between the Jews and the Arabs, involving as it would seven Arab States and a partition of Palestine which was strongly opposed by the Arabs, it was felt by the United Kingdom that a settlement of the problem by peaceful means could best be achieved by the United Nations. It was in this hope that the Palestine Question was first referred to the General Assembly. It was not anticipated that the strife developing between Jews and Arabs would reach the proportions of an outbreak of hostilities between the future Israel and the Arab States such as it did; nor was it expected that the dispute would be so difficult of solution that it would have to be referred by the General Assembly to the Security Council. After more than seven years, the conflict continues to be one of the most difficult problems confronting the United Nations.

Later in 1947 the United States of America laid before the General Assembly its complaint that, in two years of trying to gain the cooperation of the Union of Soviet Socialist Republics in the matter, no progress had been made towards achieving independence and reunification for Korea, artificially partitioned since its liberation from Japan. The United States pointed out that there seemed to be no intention on the part of the Soviet Union to permit achievement of those terms of the Moscow Agreement which referred to the future of the Korean people. As the problem advanced in its discussion in the United Nations it became apparent that this question involved the rigid opposition to one another of the two greatest powers in the organization, the opposition of two divergent ideologies which would be most difficult to bring together.

At the time that the United States brought the matter to the atten-

tion of the General Assembly, it was not thought very likely that the dispute would develop into an actual outbreak of hostilities, certainly not into the vicious war which did occur in 1950. However, the act of aggression by the forces of North Korea in the middle of that year, grievously unfortunate though it was, gave to those Members of the United Nations who sincerely adhere to the principle of collective security, an opportunity to prove that aggression can be punished and halted through action by peace-loving nations standing together. An important sidelight brought out in this regard is that, because there were United Nations Military Observers present on the ground prior to and at the time of the act of aggression, it was possible for the Organization to name the aggressor immediately after the act was committed.

It is unfortunate that the same cannot be said in relation to the India - Pakistan Question, where, in the Kashmir Dispute, the United Nations has not yet given a ruling on India's contention that Pakistan should be named as the aggressor. As the background for the India - Pakistan Question, and the content of the many arguments relating to it, have not been produced in the bare outline of the Security Council proceedings concerning it, no conclusions may be drawn in regard to its disposition at this stage. However, these are forthcoming at a later stage in this study. In the meantime, the bulk of the important documents relating to the question have been introduced within the text, and it is possible to follow the course of events in a general manner leading up to the reasons why the major problem regarding Kashmir remains unsettled. Consequently, it may be understood why, if military observers are required in the region at all, there is a continuing need for their function.

CHAPTER IIITHE FUNCTION OF UNITED NATIONS MILITARY OBSERVERS

As one after another commission was established by the General Assembly or the Security Council to investigate, report on, and to assist in the settlement of disputes as these were placed before the United Nations, it became apparent that these commissions were being organized and operated as individual entities peculiar to the special task for which they had been set up. Although each commission benefitted from the experiences of its predecessors, no attempt was being made to coordinate this valuable knowledge toward improvement in administration.

In 1948 the General Assembly charged its Interim Committee with the responsibility for undertaking "Studies on Methods for the Promotion of International Co-operation in the Political Field". ^{1/} When the Interim Committee set up a sub-committee to commence work on this study, the latter's first task was to prepare "a careful agenda for the prosecution of the long-range programme". This was submitted to, and approved by, the Interim Committee on 31 March 1949, when it was decided to pursue at once a systematic study of two questions:

- (a) Organization and Operation of United Nations Commissions;
- (b) Settlement of Disputes and special political problems by the General Assembly. ^{2/}

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1. United Nations, Official Records of the Third Session of the General Assembly Resolution 196 (III), 3 December 1948, pp.1-2.
2. United Nations, General Assembly Official Records: Fourth Session, Supplement No.11, Report of the Interim Committee of the General Assembly (31 January - 17 August 1949). (U.N. document A/966.)

The Sub-Committee which began work immediately upon the first of these questions took as a basis eleven memoranda prepared by the Secretariat on the organization and procedure of particular commissions. It then drew up a comparative study of the rules governing the organization, procedure and operations of these commissions. ³ On 29 July 1949, the first interim report on the studies made by the sub-committee, was discussed and adopted by the Interim Committee.

Obviously, to prepare a report on so broad a topic in a matter of four months, and then covering only the first eleven commissions established since the United Nations began functioning meant that the study was not able to explore all the problems involved in the operation of commissions. But it did touch on the main aspects of the question, and the information which it brought forward has proved valuable in setting up subsequent commissions.

Many important problems arising in connection with the organization and work of commissions remain to be examined before this study by the Interim Committee can be regarded as complete. Other problems requiring further study in the light of new experience which has been accumulating ever since the first report of July 1949 are:

"... the material organization of commissions, ... their means of communication, ... the organization and methods of observer groups, ... methods employed by commissions in performing the functions of investigation, truce supervision, conciliation, good offices and mediation, ... particularly the inter-relationship of these functions." ⁴

The subject is one which is constantly assuming new forms. As this study is connected with other parts of the general programme of work of

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3. United Nations, United Nations Publications Series, 1949, X, "Organization and Procedure of United Nations Commissions," Nos. I-XI.

4. United Nations document A/966.

The Committee on the Administration of the Government of the District of Columbia, created by the Act of March 3, 1871, and continued by subsequent Acts, has the honor to acknowledge the receipt of the report of the Committee on the Administration of the Government of the District of Columbia, created by the Act of March 3, 1871, and continued by subsequent Acts, and to transmit the same to the Senate and House of Representatives.

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the Interim Committee, the latter will hardly be in a position to form more complete and detailed conclusions until the whole series of detailed special studies are completed, so that it may consider them all together and in their relationship to each other. Certainly, when it is published, the report will be invaluable in setting up the administration of commissions established under Chapters VI and VII of the Charter.

This present writing is concerned primarily with the function of the military observers who are attached to many of the commissions which are the subject of the Interim Committee's study. Therefore, in discussing the main topic of this paper, only those parts of the report which have a bearing -- directly or indirectly -- upon the observer groups are brought forward for discussion herein. However, it is considered worthy of note, in passing, that already the contribution of these commissions has been both varied and productive in the handling of difficult situations in both the General Assembly and the Security Council. They have had differing political functions, and a considerable amount of experience has now been gained by the United Nations concerning the processes of investigation, conciliation and the prevention of hostilities. Thus it may be as well that the Interim Committee is working on this study in the light of "a long-range programme".

The committee has found that the functions of commissions fall into four classes: investigation; cease-fire and truce arrangements; conciliation, good offices and mediation; and political administration. Obviously, the employment of military observers would be anticipated in association with the first two classes, and more particularly with the second. However, in practice, most commissions have been required to perform more than one function, and their character has at times been determined as much by evolving circumstances as by the original terms of reference. Consequently,

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although such is beyond their terms of reference, there have been occasions when personnel of an observer group have found themselves carrying out functions which would more properly be described as belonging to one or other of the third and fourth classes of commission, as named above. ^{5/}

The variation in the practical function of some of the commissions has affected their organization, internal procedure, and methods of operation. This, in turn, has been reflected from time to time upon the members of the attached military observer groups.

Since experience has shown, now, that the presence of observers in the actual area of conflict not only provides a means of reporting, but has a positive influence also in the prevention of incidents, the use of observation teams has come to be an accepted method in the work of commissions of investigation or of cease-fire and truce arrangements. However, this acceptance of observer groups as effective means for control and supervision was not established until after several of the early commissions had fumbled through their own separate methods of obtaining, establishing and maintaining observer personnel. Their earlier efforts, and the resulting difficulties they encountered, gave rise to a proposal in the General Assembly that the Secretary-General should establish a United Nations Field Service and Field Service Panel (A/1058). This proposal stands in abeyance, pending investigation by a Special Committee, ^{6/} although the resolution was adopted by 38 votes to 6, with 11 abstentions.

It may be both useful and interesting to look back on the reasons

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5. Ibid., Annex II, p.13.

6. United Nations, Official Records of the Fourth Session of the General Assembly, Plenary Meetings of the General Assembly, Summary Records of Meetings, 20 September-10 December 1949, "United Nations Field Service", pp.329-34.

why the earlier commissions decided to employ observation teams, and how they put them into effect. In view of possible future commitments for Canada in this field, much can be learnt from the first methods in this direction as they have been modified in later practice. For that reason, it is intended to consider rather briefly some of the items in this connection brought out in the report of the Interim Committee, and in the eleven memoranda prepared for this purpose by the Secretariat in the summer of 1949.

All commissions are faced, at one time or another, with the need to ascertain the facts, or to clarify them. These investigations may have to be conducted in various and large numbers of localities, or they may be comprehensive "on-the-spot" surveys of particular areas for particular purposes. In general, the commissions have been authorized to use their own discretion in the conduct of such investigations, and to decide by whom they will be undertaken.

Investigation and observation of the facts relating to alleged frontier violations were conducted not only directly by the Greek Frontier Incidents Commission but also through the agency of its special investigating teams. These teams, seven in number, enabled the Commission to cover a wide area. The United Nations Special Committee on the Balkans, which was a successor to the above commission, established observation groups with a well-defined scheme of organization and detailed rules for their operations. The observer groups were placed under the general charge of a chief observer. The personnel of the groups were provided by the States represented on the Special Committee, but were to exercise

"... in all loyalty, discretion and conscience the functions entrusted to them, and to discharge those functions and regulate their conduct with the interests of the United Nations in view, and accept instructions in regard to the performance of their duties only from UNSCOB...." ✓

Whereas the Greek Frontier Incidents Commission had been empowered to make field trips itself, in order to investigate the causes and nature of alleged border-violations and disturbances, UNSCOB considered that its observation work should consist in continuous observation in the frontier areas, and for this purpose established observer groups composed of military personnel loaned by the States represented on the Commission.

In Indonesia, a difficulty arose, centering around the problem to which of the two bodies set up by the Security Council -- the Committee of Good Offices, or the Consular Commission on the observance of the cease-fire resolutions -- the military observers were responsible. The problem did not become apparent until the Security Council requested from the Consular Commission a second report ~~from~~ fifteen months after its first report had been submitted and its military observers made available to the Committee of Good Offices. Meantime, members of the observer teams had been involved in embarrassment at their headquarters because of this uncertainty. ✓ 8

In Indonesia, observers were organized in teams of two to four officers stationed at various posts along the status quo line; from these ✓ 8a posts they made daily observation trips along both sides of the line. The difficulty mentioned above arose through the Committee of Good Offices having obtained its observers through the Consular Commission at Batavia, rather than directly through the Security Council. The group varied in numbers between thirty-five and forty from time to time.

In connection with the Palestine question, in its early stages, much the same difficulty arose, and for much the same reason. As in the Indonesian dispute, the Security Council had recourse to a consular commission in Jerusalem to obtain speedy reports on the observance of the cease-fire

8. Ibid.

8a. In Indonesia the Cease-Fire Line was referred to as the status quo line.

resolutions and on the local situation. Then, on the establishment of the Palestine Truce Commission it was charged with the additional function of supervising the application of the cease-fire resolution as well as the task of negotiation. Yet the Consular Commission continued in existence, and difficulties arose through lack of a defined relationship between the two organs. Similarly, the respective functions of the Palestine Truce Commission and the United Nations Mediator were not clearly defined. However, ultimate responsibility for truce supervision was centred in the Mediator, and his Chief-of-Staff was directly responsible to him for administration of the plan of observation.

As in Indonesia, again, the military observers in Palestine were stationed at posts along the status quo line; but here they acted in some localities individually, in others in teams varying greatly in size -- from two in Aqaba and Aquir to seventy-six in Haifa and seventy-nine in Jerusalem. These numbers have now been considerably reduced. ✓⁹

In each of the two areas discussed above, both the consular commissions and the organs of conciliation which took over the function of truce supervision, were confronted with the urgent need to obtain the requisite observer personnel. At Batavia it was agreed that each State represented should furnish military observers. Observers were not provided for the Palestine Truce Commission until the Security Council resolution of 29 May 1948, which also provided for observers for the Mediator. Neither this resolution, nor the subsequent one of 15 July 1948, dealt with the nature or number of observer personnel that would be required or available. In fact, members of

9. Letter to the writer from the European Division, Department of External Affairs, Ottawa, shows the count in June 1954 to have been: United States 12, France 8, Belgium 7, Canada 4, Denmark 3 and Sweden 2.

the secretariat served as observers at the outset, but subsequently the Mediator obtained for this purpose military officers and men from the States represented on the Truce Commission, together with officers of his own country as his personal representatives.

To investigate the military situation in Kashmir, and to observe the execution of the cease-fire, the Secretary-General, at the request of the United Nations Commission for India and Pakistan, attached a Military Adviser to the Commission. Also at the request of the Commission, thirty-six military observers were appointed by the Secretary-General, in accordance with a formula suggested by the Commission, to assist the military adviser in the observation of the cease-fire. Very shortly afterwards, the number of observers was increased to approximately sixty, but has varied at different times with changing representation. At the present time the number of observers attached to the United Nations Mission in Kashmir stands at fifty-four. ¹⁰✓

This observer group was assembled in a manner quite different to those for Indonesia and Palestine, which have been described. In this case the Secretary-General of the United Nations addressed a request to a number of Member-States enquiring whether they would be prepared to provide military officers for tours of duty of six months with the observer group in Kashmir, and, if so, how many could be provided, and how soon. In the case of Canada, for example, the matter was discussed by the Secretary-General with the representative of Canada in Paris at the time, and then a telegram was sent by the former to the Department of External Affairs at Ottawa on 11 December 1948 requesting the information mentioned. ¹¹✓ Canada replied that four military observers could be provided with little delay. On 7 January 1949, Canada was

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10. Letter to the writer from the Canadian Delegation to the United Nations, dated 3 June 1954, showed the following count: United States 23, Australia 8, Canada 7, New Zealand 3, Belgium 3, Sweden 2, Chile 2, Uruguay 1 and United States Air Force personnel 5.-- crew of the U.S. aircraft used by the Mission.
 11. Defence Liaison Division, Department of External Affairs, Ottawa, file No. SCA/GA.264/013(1).

The first part of the paper is devoted to a general
discussion of the subject, and to a statement of the
principles which should govern the treatment of the
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asked to send the four as soon as possible, and the commitment developed from then on as will be described in detail in Chapter V.

Other nations from which military observers were obtained in the same way for the group in Kashmir included originally Belgium (5), Mexico (6), Norway (4), and the United States of America (17). On its arrival on the Indian sub-continent the Commission decided that it would be necessary to ask for additional personnel to increase the size of the military observer group, and so notified the Secretary-General who was responsible for making the appointments. Amongst these, Canada was asked for a further four officers, and the term of appointment was extended to twelve months. 12/

Meantime, the personnel who had arrived in Kashmir from the Mexican Army, found themselves faced with a language difficulty, for English was used throughout the group in its dealings with the armies of both India and Pakistan. They therefore returned to Mexico at the end of six months, and were relieved by an increase in the number of officers from the other nations already represented in the area, particularly from the United States which provided approximately fifty per cent of the observer group. Subsequently, on the invitation of the Secretary-General, observers have been provided for this mission by New Zealand, Australia, Chile, Sweden and Uruguay, in addition to the nations first called on.

This system has tended to function more satisfactorily than the method employed for the provision of observers in Indonesia and in Palestine because, over extended periods, less strain is imposed on a few countries which might otherwise be overcommitted in the provision of personnel. Thus,

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$$+ \frac{1}{\Gamma} \left(\frac{\partial^2 u}{\partial x^2} + \frac{\partial^2 v}{\partial y^2} \right) = 0$$

with the extended continuation of the need for observers in Palestine, other nations than those which are members of the Palestine Commission are being asked by the Secretary-General to provide officers for this group. On 24 November 1953, Canada was asked to send two officers under this new policy, and on 1 April 1954, an additional two. 13

Very considerable difficulties stand in the way of the establishment of a panel of military field observers by the Secretary-General, as has been suggested. Such a corps would provide for the United Nations a permanent body of military observers, members of which could be assigned quickly to any area where an observer group might be required. However, such a scheme has been under consideration for some time, and the proposal rests. Meantime, it is probable that when personnel are required to make up observation teams for attachment to United Nations Commissions in the field, the practice of obtaining them by requests to cooperating Member-States through the Secretary-General will be followed.

The employment of strictly military observers in Korea was of short duration because their original function was interrupted by the aggression of North Korean forces into the territory of South Korea. Throughout the operations of the United Nations Temporary Commission on Korea, and then during the greater part of the time that its successor Commission was in operation, observation teams were comprised of civilian personnel of the commission staff and of the attached secretariat. The limited availability of such personnel, approximately thirty-five persons at a maximum, determined the fact that observation in the early stages was restricted and irregular. The effectiveness of observation in Korea was further reduced, of course, by the absolute refusal of the North Korean authorities -- firmly supported by their masters of the Soviet Union -- to grant right of access to the Commission or its representatives, in this

case, its observer teams. ¹⁴

The last mentioned point serves to introduce a very difficult problem in the matter of the operations of observer groups. At various stages the same refusal of access was encountered by the observers for the Greek Frontier Incidents Commission and the succeeding United Nations Special Committee on the Balkans, when the authorities of Albania, Yugoslavia and Bulgaria, under the domination of Soviet policy, denied the legality of the Commission and so refused to recognize it, and rested on that position their denial of right of access to their territories by United Nations observers. ¹⁵

A different form of obstruction was met in the course of their duties by the military observers in Palestine. The observers in Korea, and in the Balkans from time to time, were prevented from carrying out their tasks because of the political machinations of the accused parties, who were guided in this regard by the attitude taken by the Soviet Union. This political position was clear cut, and was made freely known to all the world by its authors. In the discussions in the General Assembly and in the Security Council, the representatives of the Soviet Union and the so-called satellite countries, were openly unequivocal in their statements that they would not permit the commissions and its organs established in these areas to function on their side of the frontiers under dispute. No one was in any doubt about the reasons given publicly for the stand taken by these countries of the "East", although it was recognized that the legal arguments presented

14. United Nations document A/1350.

15. United Nations Review, Vol I, No.2, (August 1954), pp.19-20.

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The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the origin of life, and shows that the most probable one is that of spontaneous generation. He then discusses the evidence in favor of this theory, and shows that it is supported by the facts of the case.

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within floods of abuse by their representatives were but the camouflage for much deeper reasons. ¹⁶

On the other hand, the obstructionism met by the military observers in Palestine was of a more dangerous kind -- dangerous in a political sense, and even more menacing in a personal and physical way even to the point of death. What complicated the danger of these threats to the individual observers in Palestine was the fact that these occurred at the lowest levels of army organization under the cover of aggrieved protestations of innocence on the part of the government whose soldiers were at fault, the attitude being that both the Israeli and the Arab authorities had given their assurances on the security of the observers. In fact, not only were Count Folke Bernadotte the United Nations Mediator and Colonel Seret, one of his staff, assassinated by the Jews on 17 September 1948, but in the period preceding and again following this most regrettable incident, a number of military observers and a civilian member of the secretariat were killed by snipers, and others were wounded. ¹⁷

In the truce area, the security of the observer personnel was a matter of arrangement between the Haifa headquarters of the Truce Supervision Organization and the local Israeli and Arab commanders. Both the combatants were treated as under an obligation, upon request from the observer, to supply protection for him, his staff and equipment, and safe-conduct whenever necessary in the discharge of his duties. Since the observers were unarmed, their

16. It must be remarked that, on legal grounds, no member-state of the United Nations is bound to admit a commission established under Chapter VI of the Charter. Since North Korea was not a member of the United Nations there was even firmer legal basis for refusal to admit commission personnel.

17. United Nations document A/966.

movements in the truce area required prior assent of the local commanders, advance clearance and frequent military escorts. The complete dependence of the truce machinery on local co-operation for the security of its officials and staff, created hazards and obstructions which were beyond its powers to control.

The same methods for securing the safety of observers obtained in the areas adjoining the cease-fire line in Kashmir, but so cooperative were the troops on both sides of the line in their recognition of the position of the military observers that it was not unusual for observers to travel along, and even across, the cease-fire line without any form of escort. Nevertheless, this was usually done only after advance notice of movement had been given to the local commanders in the area concerned. ¹⁸ ✓

When the Mediator reported to the Security Council after the renewal of hostilities following the first truce in Palestine, he included the statement that one of the serious aspects of the first truce was the unco-operative attitude displayed by some local commanders, troops and irregulars on both sides. This was expressed by defying the authority of the observers -- an attitude sometimes encouraged by official public pronouncements of responsible leaders. The Mediator made specific mention of the indiscriminate sniping which continued to render hazardous the task of the observers. ¹⁹ ✓ On receipt of this report the Security Council adopted a resolution (S/983) on 19 August 1948, fixing responsibility on the local authorities for all acts within the territory controlled by them.

Following the assassination of the Mediator on 17 September, the

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18. The great difference in attitude between the two areas mentioned rests, basically, on the facts that in Palestine both of the conflicting parties have at different times refused to cooperate with the Commissions and resent interference by observers, whereas the opposing armies of India and Pakistan have been indoctrinated to accept and cooperate with the United Nations representatives.

19. United Nations Publications Series, 1949, X, No.X, p.40.

Acting Mediator, in his report to the Security Council, stated in detail the obstructions that were encountered and the hazards placed in the way of the observers, as follows:

"... restrictions were imposed on the movements of observers; access to ports was refused except on a limited basis; cooperation with observers in the field was lacking; observers were physically assaulted; local commanders and officials failed to carry out the agreements often concluded at the highest levels; and there was a striking contrast between expressions of cooperation by high government officials and the attitude at the operational level in the field...." 20

The work of the observers continued to be hampered, especially when fighting again broke out in the Negeb in the last week of December 1948, when the observers were refused access to the front lines by the Israeli commanders. Latterly, such interference has decreased markedly.

Lest it be thought from the above that physical hazards for the military observers existed only in Palestine, it may be well to note that, on 18 March 1949, a Lieutenant-Colonel from the United Kingdom and an American Major were wounded by bullets fired from ambush at close-range. The Netherlands liaison officer travelling with them was also wounded. 21 Also to be remembered is the killing of Brigadier H.H. Angle (Canada), the Chief Military Observer, and several American officers of the observer group in Kashmir, in the blowing up of a commercial aircraft near Pathankot, East Punjab, India on 17 July 1950. This explosion was attributed in the official investigation conducted by the Government of India to "pilot-error" on the part of Indian National Airways' senior captain. Such an incident must be classed as a

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20. Ibid., p.40.

21. United Nations documents S/1293 and 1300, 21 and 29 March 1949, respectively the report of and the investigation into an incident during an observation patrol in Indonesia.

hazard. ^{22/} Other observers were killed in the course of duty in the Balkans.

A certain amount has been said, and more implied, in the foregoing, to ^{the} effect that the employment of military observer groups in conjunction with United Nations commissions of investigation, of cease-fire and truce arrangements, and even of mediation, is now recognized as proven in value. It seems to be all the more remarkable, then, that in so very few cases is any reference made to observation groups in the resolutions of the principal organ concerned with establishing commissions charged with responsibilities for the pacific settlement of international disputes. Even in the detailing of the organization and procedure of the commissions themselves, very few of these contain references which go beyond taking note that observers will be attached to the commission to assist in supervision in the forward areas of dispute. In most cases, details concerning the observers rest with the commission.

In every case except one, the principal organ concerned has left to the commissions the responsibility for determining how many military observers would be required for efficient assistance in their functions; from what sources they would be obtained; when they would be needed; where they would be employed; and what would be the extent of their duties and responsibilities.

The exception to this general rule is found in the establishment of the United Nations Commission for India and Pakistan, where the Security Council attached to the Commission a Military Adviser who was to investigate the military situation for the Commission. Even so, the Council left to the Military Adviser the use of his own discretion in deciding the number and the employment of the observation group he would need. However, as was described

22. The writer was in New Delhi as United Nations Liaison Officer during the investigation and was responsible for the necessary reports to the Personal Representative of the Secretary-General and to Army Headquarters, Ottawa.

earlier, the actual source of the personnel and the terms of their appointment rested with the Secretary-General. It is probable, as also was mentioned earlier, that this method is the one that will obtain for some time in the future.

How, then, is the potential military observer to determine in detail the terms of reference which inform him of his duties? At the present time, these are set out in extensive detail in the Instructions for Observers, a compendium of operational and administrative instructions which would be defined in military terminology as "Standing Orders". One copy of this considerable document is issued to each Observer Post, and it is up to each newly arrived observer to make himself thoroughly familiar with its contents. Unfortunately for purposes of this study, but quite obviously for sound practical reasons of security, many of the Bulletins in these Instructions are classified documents which cannot be quoted. For that reason, if for no other, the whole official document must be considered as having a grading not less than "Confidential".

Nevertheless, it is possible to assemble enough information from reports, statements, and other sources to compile a general listing of the more important and the usual duties and responsibilities of the military observer in the field. For the present purpose particular attention has been given to the three commissions which have been longest in the field in this matter of supervising the observance of truce or cease-fire terms, in addition to the several other tasks set for them in the Security Council resolutions which established their terms of reference. A military observer group has been operating in Palestine and the seven neighbouring Arab States since June 1948; and a well organized group has been functioning in the State of Jammu and Kashmir continuously since January 1949; while that in the Balkans operated continuously from December 1947 to 31 July 1954.

In the conflict over the partition of Palestine, and in the Kashmir question, the organization of the two military observer groups, and their respective methods of operation, are sufficiently similar that, by combining the practices of the two systems, it is possible to arrive at a fairly broad outline of a military observer's function. On paper, their instructions are very similar to those issued to the observer mission in the Balkans.

The primary function of a military observer is to supervise the observance by the conflicting parties of the terms arranged for the cessation of hostilities in the area to which he has been assigned. In Palestine this task refers to terms of truce, whereas in Kashmir exactly the same functions are attached to the terms of a cease-fire order -- truce arrangements having not yet been accepted. Although not correctly so otherwise, the two terms are treated as synonymous in this particular study. 23

23. It may be advisable at this point to distinguish briefly between various military terms which have been used and confused on a number of occasions within the organs of the United Nations and in its supervisory commissions. Thus, when applied to military operations:

Stop implies only the desisting from the firing of weapons; ammunition remains in the breeches of the weapons -- whether rifles or artillery pieces -- and the stop may be only momentary, awaiting re-ranging, further observation, or new orders. No matter how long the stop may be prolonged, personnel remain ready to fire again immediately.

Cease-Fire is the next stage in desisting from actual fighting; the ammunition is removed from the breech and, with automatic weapons, the magazine is removed. Fighting personnel stand clear with weapons disengaged from the target, but ready to re-load and commence firing again immediately. Troops do not leave their battle-positions, and there is no withdrawal of forces.

Cessation of Hostilities has political as well as military connotations. From the cease-fire position armed forces disengage completely and usually are withdrawn to reserve positions, ultimately to be withdrawn completely. Such was the case in the orders issued in Indonesia. On the other hand, the political situation may be such that an advance and occupation of a territory may be ordered as occurred on the defeat of Germany in May 1945.

Truce arrangements are made at the highest political levels to conclude an armistice or a suspension of hostilities for a specified period in order usually to arrange terms for a treaty of peace.

Supervision of the cessation of hostilities in both of these troublous regions is a continuing responsibility and extends over a very large geographical area in each case. Not only is the supervision effort concerned with observation of the actual fighting fronts, of dealing with incidents occurring across the cease-fire line, and with the possible prevention of further outbreaks of hostilities; but, at the same time, observation must be maintained over the large areas of base establishments and of the military lines of communication. Only so can a check be kept on whether or not men and materials are being moved in a manner to confer an advantage to one side or the other, contrary to the terms of the cease-fire regulations.

One area of difference in the tasks of observation carried out in the two regions lies in the fact that whereas in Palestine the group has been vitally concerned in watching the conversion of the truce into an armistice, with little variation in the disposition of armed forces, in Kashmir -- where the cease-fire has not yet been converted into a truce -- observation has had to be maintained over the extensive withdrawal of military forces on both sides of the cease-fire line. In the light of the delicate political situation which exists in regard to this particular point, and which will be described further on in this study, this phase of observation between the Indian-occupied portion of Kashmir in connection with northern India, and between Azad-Kashmir and West Pakistan, has required careful handling. The problem has been complicated by the gradual, but steady, movement of civilians out of Kashmir into Azad-Kashmir, and their replacement within the State by refugees from the Punjab who are being settled in the Valley. While the transfer of civilian population does not concern the military observer under the strict interpretation of his terms of reference, nevertheless this phase has had to be watched for the information of the Plebiscite Administrator in the future.

A very important task which fell to the lot of the observers in

both of these regions, very shortly after agreement on cease-fire arrangements, was the demarcation of the cease-fire line. This raised a number of special problems, particularly in Kashmir, for observer personnel. Owing to the nature of the negotiations being undertaken by the respective commissions in trying to arrange for the cease-fire, it was impossible to make firm commitments for the provision of observers in advance, and very little could be determined about the necessary qualifications to be looked for in the types of officers that would be required. No investigation was undertaken to discover what clothing and equipment would be needed by the personnel during the course of their varied duties in the field.

A priority task, to be started as quickly as possible after the arrangement of a cease-fire, and to be completed expeditiously, is necessarily the satisfactory demarcation of the cease-fire line on the ground. No matter how clearly this line may be defined on a map, until it is marked out on the ground between the opposing forces there are bound to be constant clashes and a series of complaints regarding its violation.

One of the major consequences of the late start in implementing supervision of the cease-fire in the regions mentioned was that the observers, once on the ground, found it very difficult to determine the true position of the forward battle-lines of the two sides as they actually were on the date of the cease-fire. Ambitious unit and sub-unit commanders would claim effective possession of localities which had been reached by a fighting patrol during recent action, but from which they had been compelled to withdraw, even though the opposing forces were not actually in physical possession of the locality. In other cases, patrols would move forward after fighting ceased, and take up more commanding tactical positions which had been denied to them up to the cessation of fighting. Later, when the observer arrived on the

scene to locate on the ground the actual most forward position of troops, he would be told that such a post had been in possession when fighting ceased. Naturally, when the observer marked this on his map which he subsequently would discuss with the opposing local commander, the claim would be denied and arguments result -- sometimes these ended in armed clashes.

The physical difficulties encountered by the observers in Palestine in their travels to define the battle-lines and to demarcate the cease-fire line were much less than those faced by the observers in Kashmir; but this difference was fully compensated for in the serious obstruction and interference put in their way by both Israeli and Arab unit commanders and their troops.

In making their trips along the cease-fire line in Kashmir in mid-summer 1949, for purposes of demarcating the line, the majority of observers were ill-equipped for the task. Sitting at the sea-port of Karachi, on the edge of the Sind Desert, a thousand miles from the battle-line, the Commission had drawn on a map as close an approximation as was possible for speedy effect what was decided as the cease-fire line. It was left to the Military Adviser, through the Chief Military Observer and his teams, to verify on the ground the true positions of the points indicated. To accomplish this meant that individual observers must cover ground varying in height from a low of less than one thousand feet above sea-level to a high of almost twenty thousand feet. On those few officers who actually did climb to heights above seventeen thousand feet, the task imposed an unaccustomed and very severe strain. This test of physique and rigorous good health would have imposed less of a strain on the men concerned if more of them had been given time to acclimatize themselves in Kashmir, and to take the usual preparatory exercises in readiness for climbing in rarified atmosphere. Equally important in many respects was the lack of instruction

available to such personnel in proper methods of mountain-climbing; particularly as, usually, they were accompanied only by natives who spend their lives climbing with mountain-goats and sheep. A further and quite dangerous lack was that of proper clothing and equipment for this task, and some observers suffered considerably in their climbs from the hot lower levels to the sharp cold of the heights. ²⁴✓

These extremes were not faced by the observers in Palestine, but they also were not properly equipped on first arrival in the region; nor did they have sufficient opportunity to acclimatize themselves before having to set out on their demarcation of the cease-fire line. ²⁵✓

In both regions this task was completed successfully in a short time. Subsequently observers had the necessary time to accustom themselves to the living-conditions of the area in which they were operating, and it was seldom indeed that there was the same urgency about covering all the ground as thoroughly and as quickly. Indeed, it is usual for an observer to undertake such trips only in the event of a serious violation requiring immediate investigation on the spot. Coupled with this advantage is that of the experience of those who have gone before, so that, today, the observer usually starts his duties at his first post much better equipped for the task than were those who were in the field in the first summer.

It would be a rare situation indeed when a group of military observers find themselves on the ground over which they will work, fully organized and fully prepared to start their operations, from the moment that a cease-fire is

24. from the writer's personal experience.

25. Observations made by American and Belgian field observers who were transferred from the mission in Palestine to that in Kashmir, and mentioned in conversations with the writer.

proclaimed, under the provisions of Chapter VI of the United Nations Charter. It is possible, but unlikely, that such a set of fortuitous circumstances might occur in the conditions covered by the articles of Chapter VII; as happened, for example, with the presence of the two Australian military observers in Korea at the time of the invasion of South Korea. When the remaining five observers arrived a month later, they had to start work at once -- in the usual manner, late. This is a very real handicap. 26

Yet, it is difficult to find an answer to this problem. If the Secretary-General is empowered at some future date to assemble a standing panel of military observers who will be available to the United Nations for the making up of observation groups wherever they may suddenly be needed, that may be the solution. It would be possible to keep such personnel in a "state of readiness" -- physically fit, medically prepared, trained in the operation and maintenance of the vehicles they will use, and well indoctrinated in the proper use of food, clothing and equipment in any of the various regions of the world where they might suddenly find themselves having to get quickly to work.

As an example of what is meant by the above, Truce Supervision Commissions composed of delegations from India, Canada and Poland, are assembling and meeting at the present time in New Delhi to consider the terms of reference, and how they will function, in the task of supervising the cease-fire that was proclaimed in Indochina in July last. It is almost certain that these commissions will require the services of military observers for contact investigations in the forward areas. How many such observers will be required? From what sources will they be obtained? Will these individual

26. Quoted from the writer's conversation with W/C H. Malkin, DFC, AFC, CD, RCAP, present as a military observer in Korea from July 1950 to March 1951.

officers be given an intelligent "briefing" before they leave their home areas, not only on the military situation and the political situation in Indochina as it is, but also on the living conditions there? How can they best protect their health? What really is the practical and sensible type of clothing and equipment with which they should provide themselves? How much notice will they be given before they must depart for Southeast Asia? And, significantly, how rapidly are the cease-fire violations accumulating across the cease-fire line which remains to be demarcated during the time that is fast passing away between the date of the cease-fire last July and the date when the first members of the observer group will arrive in the battle-areas of Indochina? The early effectiveness of the Commissions is being impaired by this delay. ²⁷ ✓

The resolution establishing the new truce commissions for Indochina gave no indication as to the sources or method of recruitment of observer personnel or for the obtaining of equipment. These details were left to the organizational meetings of the three countries concerned. Neither did the resolutions of the Security Council which set up the commissions in Palestine and in Kashmir. The obtaining of observer personnel for the last two named has been discussed. The obtaining of equipment is another matter left to the discretion of the commission in the field. In Palestine the necessary equipment was obtained in part from the Secretary-General, and largely on loan from France, the United Kingdom and the United States. This consisted mainly of matériel required for purposes of communication, transportation and patrolling, such as radio equipment, aircraft, shipping, motor vehicles and spare parts. ²⁸ ✓

For the United Nations Mission in Kashmir, the successor to U.N.C.I.P.

27. Canada has moved remarkably quickly in nominating personnel to the senior positions, but it is to be regretted that the great majority of those named have no experience of the area, and very few speak French which is the common European language used throughout Indochina. Little has been done in the way of preparatory instruction.

28. United Nations document A/966.

a sufficient number of jeeps to make each observer-post at least partially mobile was obtained by negotiation between the Military Adviser and the armies of India and of Pakistan. In the early stages, maintenance was an ever-present problem, for the enthusiasm of the native mechanics and drivers was not matched by their efficiency. However, this situation improved after about a year, especially after the arrival of a few new jeeps. A C-47 aircraft, with a most efficient crew, was obtained for the commission on loan from the United States Air Force, and on certain occasions a similar aircraft was obtained by the Secretary-General on charter to the commission from a British commercial airline. 29/

It was considerably more than a year after the establishment of the observer group in Kashmir that the first radio equipment arrived from the United Nations and was off-loaded at Karachi. (It added a touch of irony to the scene when it was noticed that each package was boldly labelled: "From United Nations, to UNCIP, via Karachi, Pakistan, India"!) Up to then, communication between Observer Group Headquarters and the outlying posts was both slow and difficult. Sometimes messages could be got through over unreliable telephone lines, but more often these had to go by mail which to some posts took as long as five days, when the weather was good. In May-June 1949, with excellent cooperation from the Royal Pakistan Corps of Signals, the first transmitter/receiver was set up and linked with the Observer Group Liaison Headquarters at Rawalpindi. In the following weeks three more stations were established at Srinagar and at Jammu by the United Nations Communications personnel who were to operate the equipment, and at New Delhi, where the Indian

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29. from the personal experience of the writer.

The first part of the document is a letter from the Secretary of the
Board of Directors to the stockholders. It is dated January 1, 1900.
The letter is addressed to the stockholders of the company and is
signed by the Secretary. It contains information about the company's
financial condition and the results of the annual meeting. The letter
also mentions the election of directors and the appointment of officers.
The second part of the document is a report from the President of the
company. It is dated January 1, 1900. The report is addressed to the
stockholders and is signed by the President. It contains information
about the company's operations and the results of the year. The report
also mentions the company's financial condition and the results of the
annual meeting. The report is signed by the President and is dated
January 1, 1900.

The third part of the document is a report from the Treasurer of the
company. It is dated January 1, 1900. The report is addressed to the
stockholders and is signed by the Treasurer. It contains information
about the company's financial condition and the results of the year. The
report also mentions the company's financial condition and the results of
the annual meeting. The report is signed by the Treasurer and is dated
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contains information about the company's financial condition and the
results of the year. The report also mentions the company's financial
condition and the results of the annual meeting. The report is signed
by the Secretary and is dated January 1, 1900.

Signals Corps assisted materially. As soon as this four-stations net-work was properly linked together, a most important improvement was obtained in the effectiveness of the organization's communications. On special occasions this net-work was used by the respective governments of India, Pakistan and Kashmir. ³⁰

In Palestine, the stationing of the observer personnel and the actual planning, operation and administration of the observation system, was put into the hands of the Chief-of-Staff, whose headquarters were at Haifa. The observer personnel were stationed according to a basic pattern, which allowed for considerable flexibility. This, and their mobility, was important because, in the complexity of the negotiations and in the fluid state of the military situation, their distribution and location were frequently changed. ³¹

As far as possible in the face of obstructionism by local commanders, every effort was made in Palestine to maintain constant observation of the fighting lines on both sides, although this could not always be as systematic as was desirable in view of the geographical factors involved and the very nature of truce supervision in itself. In general, the observers were divided into a number of groups of which one was assigned to each Arab Army and one to each Israeli Army; one was assigned to Jerusalem, one to cover the coast and ports of the truce area, and one to control convoys between Tel-Aviv and Jerusalem. As the need for observation expanded, personnel were stationed through the entire area of Israel, Jerusalem, the Arab areas of Palestine, Egypt, Iraq, Lebanon, Syria and the Hashemite Jordan Kingdom -- a very sub-

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30. The writer was personally responsible to the Chief Military Observer for the establishment and coordination of the signals system which was set up under the supervision of a communications expert from United Nations Headquarters, May-June 1950.

31. United Nations Publications Series, 1949, X, No.X, p.27

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stantial commitment.

In general terms, the system for the posting and the directing of military observers in Kashmir was established along lines similar to those described for the group in Palestine. The number of observer-posts, their location, the number of observers in each, the planning and operation for each, and the general administration concerning the observers themselves, was the responsibility of the Chief Military Observer, who reported to the Military Adviser attached to the Commission. The Chief Observer assembled at his headquarters a small staff which contained the three elements of intelligence, operations and administration (of both personnel and equipment). Attached to this was a unit of the Secretariat under an administrative officer.

During the six summer months of each year the Chief Observer set up his headquarters at Srinagar, which is on the Indian-held side of the cease-fire line. In that period he maintained a Liaison Officer at General Headquarters of the Pakistan Army in Rawalpindi. During the six winter months the Chief Observer's headquarters was transferred to Rawalpindi in Pakistan, and a Liaison Officer was stationed at Srinagar. Throughout the year a military liaison officer was stationed in New Delhi to represent the Chief Military Observer at the headquarters of the Indian Army. Here, too, there was stationed a small element of the Secretariat of the Commission which, amongst other duties, assisted the Liaison Officer in the instructing of incoming and outgoing observers. 32

A definite pattern was established for the positioning of the military observer posts in Kashmir. Although the observers were severally responsible for observation along every inch of their sector of the cease-fire line, the "No-Man's-Land" and the supporting area on the side to which they

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The present report, however, is not intended to be a final one, but only a preliminary one, and it is hoped that it will be found to be of some use to the public. The report is divided into two parts, the first of which is devoted to a description of the work done, and the second to a discussion of the results. The first part is divided into three sections, the first of which is devoted to a description of the work done, and the second to a discussion of the results. The second part is devoted to a discussion of the results, and is divided into two sections, the first of which is devoted to a discussion of the results, and the second to a discussion of the results.

The results of the work done are as follows: (1) The work done has been of a preliminary nature, and it is hoped that it will be found to be of some use to the public. (2) The work done has been of a preliminary nature, and it is hoped that it will be found to be of some use to the public.

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were posted at any one time, they were free to come and go between that side and the other at all times in the course of their duties. The actual posts were established fairly evenly along the length of the cease-fire line on each side, being slightly closer together in those areas where there were greater concentrations of troops, more spread out where these were less -- as in the northern mountainous region. The posts on the opposing sides of the line were not placed opposite to one another, but rather staggered so as to be approximately half-way between the posts on the other side. This zig-zag pattern ensured maximum coverage of the forward areas with the number of observers available.

The majority of posts contained two observers, a very few one only, and in the more important locations some were manned by three. If special activity was observed in any one locality one or more extra observers would be withdrawn from posts in less active areas and sent in to increase the strength of the posts covering the scene of activity. At a post located in a base or line-of-communication center, such as Jammu, it was usual to maintain four military observers in the sector. As far as it was possible to do so, and maintain the basic pattern of location, the posts were established at or near to a brigade headquarters or its equivalent. This gave to the observers whatever benefit there might be in attachment for rations and quarters to a more established Officers Mess. What is more important, it enabled them to keep closely in touch with military operations in a complete tactical area; and they had access to somewhat more reliable means of communication with neighbouring posts.

The purpose of the observation system in the forward areas is to observe and report any breaches of the truce with regard to violations of the cease-fire line, incidents of a military nature (such as sniping), and

the complaints of either party charging the other with attempting to strengthen its local position (by moving to better tactical positions, by increasing the size of forward posts, by constructing bunkers, et cetera). The observer's responsibilities include only incidents of a military nature; those concerning civilian violations are beyond his jurisdiction. However, in the majority of cases, it becomes almost impossible to separate the two, and very frequently the observer finds himself involved in an incident brought about by soldiers on the one side and civilians on the other. Although settlement of the complaints will probably be referred by him to civilian authorities, it becomes his task to investigate it on the ground, and to report it to his own headquarters.

In the base areas, at military depots and camps, and along the lines of communication, the main purpose of the observation system is to observe and report on any movement of war materials, of fighting personnel and support troops, and men of military age who might be drafted into service, or any other fact that might rebound to the advantage of one of the conflicting parties. If the movement of equipment such as tanks or artillery is observed, it is reported forward so that observers in the fighting areas may note that on its arrival it is going into position only to replace exactly similar equipment that is immediately withdrawn.

On his arrival in the area, each observer is given a short but intensive briefing on the current situation in the dispute and some history of the question, with a description of his duties and functions. It was found necessary to do this because the prior briefings given at his home headquarters and at United Nations headquarters were very sketchy, and often inaccurate. The faulty information given in some cases created in the minds

of a few observers prejudices which had to be broken down before they could undertake field observation free of all bias. For the Kashmir Mission, this task was undertaken by the Liaison Officer at New Delhi, who briefed newly arrived observers as soon as possible after their reporting in. On his arrival at United Nations Military Observer Group Headquarters -- at Srinagar or at Rawalpindi depending upon the time of year -- the new observer was briefed further on the details of the situation in the area to which he was being posted, and he had an opportunity to discuss the various aspects of his task with several officers at the headquarters who had already spent considerable time in the field.

The observer was given an opportunity to study the Instructions to Observers, contained in the so-called "Blue Book", and to learn the manner of using the various report-forms which he would have to submit regularly to the headquarters of the Chief Military Observer. Since he would have to attempt to deal with all investigations, and to settle disputes and complaints "on-the-spot" in his own area, he was instructed in recognition of uniforms, badges of rank, corps insignia, tactical signs on vehicles, naming of ranks, et cetera, which he would probably encounter in the area to which he was being posted. When time permitted, an attempt was made to instruct him in the living-habits of the troops with whom he would be staying, and particularly in the significance of their religious habits.

Instruction in the religious practices of the Mohammedans, of the Hindus and of the Sikhs saved many officers on the Kashmir Mission from committing ^{any} faux pas which would have caused severe embarrassment to the native officers and men whose sensibilities are very easily injured in matters pertaining to their respective faiths. An incident occurred where, through a simple lapsus linguae by an unthinking observer, his relationships were so

impaired with native personnel (particularly civilian authorities who are less accustomed to dealing with foreign officers than are officers of the armed services) that he had to be transferred to another post. 33/

The continuing function of observation is carried out by the observers on the spot, operating sometimes individually, sometimes as teams. Within the sector to which he is assigned the observer represents the Chief Military Observer, and through him the United Nations. In certain circumstances he may be called upon to represent the Commission itself, and therefore to act and speak with circumspection. At all times he must remember that his primary function is to supervise the observance of the terms of the truce in his sector. In fact, his duties and responsibilities are multitudinous, but may be covered very generally in the following listing:

- (1) The observer has to rely largely upon his ability to settle disputes locally by direct approaches to local commanders and authorities and where possible by bringing the opposing commanders and authorities together.
- (2) He is entitled to demand that acts contrary to terms of the truce be not committed or be rectified, but he has no executive power to prevent violations of the truce.
- (3) It is the observer's responsibility to call promptly to the attention of the appropriate local commanders and authorities every act which in his opinion is contrary to the truce-terms.

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33. The writer was involved in one such incident, when, shortly after his arrival in Azad-Kashmir, he permitted a dog to enter a Muslim officers' mess and fed the dog from a plate belonging to the mess. A genuine apology cleared the writer, but the dog was banned and the plate destroyed (untouched by Muslim hands).

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- (4) In dealing with local incidents, he must make clear to the parties concerned that full responsibility would be borne by them and their governments for any violations of the truce. In this connection it is up to the observer to exercise reasonable discretion in each instance in order to minimize unpleasant incidents and local friction which might arise from his decision.
- (5) He is entitled to the right of access, upon request, to all military positions as well as the right to inspect transport in order to ascertain that no military advantage accrues to either side.
- (6) He is entitled, upon request, to armed protection in escort for himself, his staff and material, and safe-conduct whenever necessary in the discharge of his duties.
- (7) In the event of a serious violation of the cease-fire that might endanger the safety of the observer and his staff, he has the right to withdraw outside the danger-zone.
- (8) In conducting investigations of alleged breaches of the terms of cease-fire, the observer is expected to do as much as possible on the spot, to hear the statements of witnesses, and to collect all available evidence. It is his responsibility to take all practicable steps towards the clarification and settlement of the dispute, or complaint.
- (9) Where a satisfactory solution is not accepted by the local commanders or authorities, the observer expedites his report to the Chief Observer, and the question is referred to him.

There have been instances in Kashmir where cease-fire violations or complaints have been sufficiently difficult of solution that it was not

and it is not possible to find any other evidence of the same kind.

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possible for the Chief Observer himself to obtain settlement at his level, and it has been necessary for him to refer the case to one or other, or both of the governments concerned, for adjustment at cabinet level. In Palestine, particularly during the period of severe fighting in the latter half of 1948, it was necessary for the Mediator or Acting Mediator to refer cases of serious violations of the truce terms back to the Security Council of the United Nations.

- (10) In addition to maintaining up to date a situation map which shows the disposition of all troops in his sector on his side of the cease-fire line (without, of course, showing any military locations on the other side of the line), the observer keeps as up to date as possible the order-of-battle of the units in his sector. Both of these documents are "Secret", are kept in a secure place, and are exposed only under special conditions. If it becomes necessary for an observer to transmit information from one of these documents to Military Observer Headquarters, this is done only by hand of himself or another observer.
- (11) He is forbidden to carry across the cease-fire line any form of communication, written or verbal, other than official United Nations mail and the personal mail of fellow observers.
- (12) He carries no military weapons at any time, and may not carry sporting-rifle or shotgun within five miles of the cease-fire line. Native military personnel travelling with him may carry their personal weapons, but these may not be used in the cease-fire zone.
- (13) The observer is encouraged to make frequent liaison visits to his neighbouring observer-posts, and to the nearest observer-post across the cease-fire line, in order to keep closely in touch with any changing developments which might in any way affect the

status quo in his own sector. He should also visit occasionally the headquarters of the divisional area in which his brigade sector is situated.

- (14) In an observation sector of relatively light activity, he should endeavour to participate in a certain amount of the sports and social activity of the mess to which he is attached, and of those nearby. This activity serves to improve his relationships with the officers whom he must meet in the performance of his duties. Incidentally, this provides an excellent opportunity for the observer to reach some understanding of and appreciation for the country in which he is working.

A military observer attached to the United Nations Mission in Kashmir normally is posted to one side of the cease-fire line for a period of three months. At the end of that time, more or less, he is transferred to the opposite side of the line, and probably to quite a different sector. By this time he should have learned to "keep his wits about him", to be observant at all times, and to keep "secure" all military information that becomes his knowledge. On his transfer to the other side of the cease-fire line, it becomes his duty to "forget" all that he learned about the military forces in the sector from which he has just moved.

The whole effectiveness of the truce supervision system depends upon both of the conflicting sides having an implicit trust in all the personnel associated with the United Nations Commission that at no time will they ever divulge to the opposing side any military information. The observer is in a particularly sensitive position in this respect, and it is not unusual for intelligence personnel of one side to test him by endeavouring to obtain from him in casual conversation information about the sector which he has

4. *Adaptation to the environment*

just left. In effect this unfair test is a double-edged sword, but the observer must always bear in mind that the gaining of information about the enemy, by fair means or foul, is of the utmost importance to any military force in operations. The inherent danger here is that, if by mischance he gives away any information, the observer loses the respect of those who have trapped him, his own duty is seriously prejudiced, and much of the responsibility of the whole Observer Group may be compromised.

As a relief from the pressure of the duties and responsibilities described above, the observer in Kashmir receives a certain amount of Leave during which he may remove himself entirely from the theatre of operations and forget all about the task associated with the mission --- except the security of the information he possesses. Some of the observer-posts are situated within reasonable distances from centres where living conditions are not particularly rigorous, where food is fairly fresh and well-prepared, and where the climate is not too trying. Such posts are referred to officially as soft, and an observer posted to one of these sectors is entitled to three days of leave each month. He may, if he wishes, allow this to accumulate for two months (but no more) so that he may take six days leave. Under special circumstances, travelling time out of the State of Jammu and Kashmir may be granted as additional to the three or six days regular leave.

On the other hand, some observer-posts are quite isolated at all times of the year, and may be completely so for months on end during the winter. In these the living conditions are referred to as hard, and it may be injurious to the health of the observer to allow him to remain on duty in such places for too long a period. This is generally true of the posts in the mountainous northern region. The posts at the southern end of the cease-fire line in Kashmir are equally hard in the summer months for they are in the semi-arid region and subject to extremely hot weather. The observer posted to one of the hard

sectors is granted six days of leave each month, and may allow this to accumulate for two months up to a total of twelve days.

Since the end of 1948 Canada has contributed some fifty man-years to the rapidly increasing fund of experience now being built up within the United Nations in relation to the employment of military personnel as observers attached to various commissions of investigation, cease-fire supervision, and mediation. Other nations have contributed as much, the majority less, and the United States of America quite four times as much.

As a result of the knowledge accumulating from this experience it is now recognized that the function of the military observer in this rôle assists materially in these commissions achieving their purposes. The truth of this statement is widely enough accepted amongst those concerned with the problem that, now, the question is not so much whether military observers will be required, but rather, how many will be needed, when and from where.

"When, on April 14, 1953, the first Secretary-General of the United Nations, Trygve Lie, received the first Peace Award given by the World Veterans Federation, he cited the use of military observers as a possibility for further developing the preventive power of collective security under the United Nations.

"I believe that this sytem of military observers should be used more widely. The presence of such observers, representing the world community of nations, is a strong deterrent to any government tempted to send military forces either openly or under cover across a national boundary. Furthermore, the United Nations can thereby be provided promptly with the facts by its own representatives and the guilty party be more readily determined.

It seems to me that the Member governments would be wise to send United Nations observers to any area where there is fear that aggression or illegal intervention may occur". ³⁴✓

It has taken some six years to accomplish, and not without a considerable amount of hard feelings, but now the United Nations has arrived at

seasons in winter and summer, and the water is
collected for two months in a series of tanks.

There are two main types of irrigation systems in the
country, one of which is the 'flood' system, and the other
is the 'canal' system. The 'flood' system is the most
common, and it is used for the cultivation of rice.
The 'canal' system is used for the cultivation of other
crops, such as wheat, cotton, and sugarcane.

The 'flood' system is a very simple system, and it
is used for the cultivation of rice. The water is
collected in a series of tanks, and it is then
distributed to the fields by a series of canals.
The 'canal' system is a more complex system, and it
is used for the cultivation of other crops. The water
is collected in a series of tanks, and it is then
distributed to the fields by a series of canals.

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a fairly firm system of obtaining observation personnel from those Member-Nations which are willing to cooperate in the collective tasks of trying to maintain international peace. Suitable arrangements have been worked out so that the payment of observers at their regular scale is maintained by their home countries; the costs of their administration in the field is borne by the United Nations; and they are insured by the United Nations Field Service against injury on duty.

However, much remains to be done by the world organization to ensure that observers entering this service are properly prepared both mentally and physically before doing so. Some form of reliable intelligence service is required within the United Nations so that, before a military observer leaves his home base for a tour of duty with an observer group, he may be completely and accurately briefed on the conditions which he will face on arrival in the foreign country. He needs to be given more practical advice on the type of clothing and personal equipment which he should take with him, and what he should obtain from local sources on arrival in the field. The United Nations should ensure that effective medical care is available if and when required by any military observer, no matter where he is serving, and subject to technical inspection of the standards maintained.

It has been adequately proved that officers of the armed services, trained in military tactics and administration in the field, are far better equipped to carry out investigations and the functions of observation in relation to the supervision of cease-fire arrangements, than are civilian personnel who might be attached to a United Nations Commission for this purpose.

The United Nations is not the only body that gains from the employment of military observers. Although these officers are seconded from their regular

duties for a year or more, and so are lost to their particular service during that period, they return to their regular duties at the end of the tour with an entirely new concept of a foreign part of the world, and broadened in experience. Should their own countries ever have occasion to need knowledge of that portion of the world, these officers will be able to present first-hand information of the area, the peoples and their attitudes.

Another factor of very considerable value is that, over extended periods of time, officers of different services and many different countries work together in small groups and often under trying conditions. This forms one of the best means of effecting positive liaison between armed services on an international basis. It may be remarked, too, that when a military observer obtains respect as a reliable and efficient officer in a foreign country, he goes far towards acting as a "good-will ambassador" for his own country. This reflects to the credit of the nation which has loaned him to the United Nations.

CHAPTER IVTHE KASHMIR DISPUTE

For almost seven years India and Pakistan have been waging a frustrating and exhausting struggle for Kashmir ^{1/}, a struggle that largely consumes the heavy budgets that burden their uncertain economies. Still, today, their armies watch each other across the precarious cease-fire line which was established under United Nations mediation some five years ago. The problem itself -- whether the State of Jammu and Kashmir will become part of India or Pakistan -- has eluded the efforts not only of bilateral negotiations, but of United Nations mediation as well. The country continues to be divided into hostile camps with irreconcilable aims; one, the Azad ^{2/} Government, striving for the unification of Kashmir and its integration with Pakistan; the other, the Srinagar ^{3/} Government, linking its existence with India. Mutual suspicions, hatred and anger have almost obliterated the long-standing agreement between the Governments of India and Pakistan that the fate of Kashmir is to be decided by the democratic process of plebiscite.

But in the last year the dispute has taken on a new and ominous character. As India persists with increased vehemence in a course of policy independent of the power struggle between the forces of democracy and Communism, and as Pakistan sees her national security better served by doing her share in strengthening the exposed area of South Asia and the Middle East,

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1. The State of Jammu and Kashmir is commonly referred to as "Kashmir", and this abbreviated name is so used here and throughout the text.
2. Azad means "Free", and refers to the Azad-Kashmir Movement.
3. Srinagar, in the Vale of Kashmir, is the capital of the State, and is occupied by forces of the Indian Army and Air Force.

the dispute over Kashmir has become even more inflammable. The quarrel has now been projected into the arena of the global East-West struggle, turning Kashmir into one of the real danger spots of the world.

While the Governments of India and Pakistan have been engaged in diplomatic battles over Kashmir and the United Nations has played (somewhat timidly) the rôle of mediator, the Communist Party of India and the Soviet Union have thoroughly enjoyed the spectacle and have systematically pursued at the same time inconspicuous but effective tactics to turn the country into a Communist base for infiltration on the sub-continent. If the free world has only now begun to realize how deeply it is involved in the implications of the Kashmir conflict, the Communists have been aware of the potentialities of subversion in the Kashmir situation ever since its inception. ✓⁴

The "Trouble in Kashmir" stems finally from the simple fact that a population 77 per cent Muslim ✓⁵ was ruled by a family of the strictest Hindu orthodoxy, descendants of a particularly able and ruthless condottiere under the Sikhs, Gulab Singh of Jammu, who mediated between the British and the Sikhs to his own profit. It is safe to say that at no time in the century's existence of the State have relations between the dominant Dogra Rajputs of Jammu and the Muslim majority been other than those of exploiters and exploited, to such an extent that until quite recently agricultural progress was still inhibited by the peasant's simple reflection that, if any profit resulted, the tax-gatherer would seize it. ✓⁶

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4. Josef Korbel, "Danger in Kashmir", Foreign Affairs, Vol.32, No.3, (pp.482-90, April 1954). Dr.Korbel is former Chairman, U.N.Commission for India and Pakistan.
5. This is the spelling correctly used in referring to Mohammedans of the Indian sub-continent, "Moslem" is used in the Middle East and North Africa.
6. O.H.K.Spate, India and Pakistan, E.P.Dutton & Co.Inc., New York, 1954, pp.378-80.

Among the opening remarks made in a lecture to a distinguished audience in London early this year, a well-known authority on India, speaking on "The Problem of Kashmir", said:

"I am claiming that in this problem of Kashmir there are so many blind alleys and unknown corners that it is very difficult for anyone to see the wood for the trees. When I remind you that the Representative of Pakistan, in presenting the Kashmir case before the Security Council on 5 and 6 March 1951, occupied six hours, you will understand the kind of thing I mean." ✓

In spite of this rather disheartening remark, it is necessary to draw together somewhat briefly the broad background to the extended dispute over Kashmir before describing in detail many of the important factors underlying the problem. Some indication must be given, too, of the urgency of the dispute, and of its peculiar interest to the Commonwealth of Nations.

When viewed against the clash of two rival ideologies, as already indicated, and as a manifestation of that clash charged with an international potential, the struggle for Kashmir is a diversion. The struggle for Korea, although a more formidable situation, was a similar diversion across the international scene. Reference to a political map of Kashmir shows that the State represents an international junction, with its frontiers resting on five (perhaps six) countries ✓⁸. That with Sinkiang, largely undemarcated, contains the potential for a Chinese Trojan Horse in Kashmir; that between Ladakh and Tibet reminds of the close religious and political allegiance owed by the Ladakhi Buddhists to Lhasa; while the almost unmarked boundary against Afghanistan represents the narrow little strip of that country intervening

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7. An address by Lt-Col. the Lord Birdwood on "The Problem of Kashmir" to the Royal United Service Institution, quoted verbatim in Journal, May 1954, and dated 27 January 1954.
8. Vide Appendix 'F', a sketch-map of the State of Jammu and Kashmir; also, Appendix 'G', official map Hind 1080, Kashmir Sheet, Southern Asia Series, 1:2,000,000 -- modified by the writer as in the United Nations Handbook for Military Observers.

between Kashmir and the Pamir, or southern, tip of Kazakhstan in the U.S.S.R. The possibility of a sixth frontier, in addition to those with India and Pakistan, lies in the fact that, to all intents and purposes, Kashmir's borders in the Pamirs may as well be directly with the Soviet Union.

The present situation in Kashmir in no small way derives from a settlement of doubtful integrity or wisdom made by a British Government with the Dogra dynasty. Prior to the Battle of Sobraon which closed the First Sikh War in 1846 Rajah Gulab Singh, who had been chief minister at the Sikh Court in Lahore, negotiated with the British a plan by which the Sikh Army would be attacked and deserted by its own government. In the Treaty of Amritsar, which followed the British defeat of the Sikhs, the whole of the territory known as Kashmir was passed over to Rajah Gulab Singh for a payment of 75 lakhs of rupees (approximately \$1,750,000). It would have been satisfactory to the British, at least, if a British Government, or at any rate a Commonwealth forum, could have rectified this error in judgment at the time that British rule was withdrawing from the sub-continent. There is no precedent for a situation where two member States of the Commonwealth of Nations have faced each other for six years with all the appearance of wanting to go to war, if not with the actual intention. There have been many in both official and military circles in India and in Pakistan who have mentioned that perhaps the Kashmir dispute would have been settled more quickly and satisfactorily if it had been referred originally to the Commonwealth rather than to the United Nations. ^{9/} But, in 1947-48, the Government of India was in no mood to make such an approach to the Commonwealth.

9. This idea was mentioned to the writer on many occasions in India, and more often in Pakistan, during 1949-50. It has also been mentioned by several writers referring to this problem. At the insistence of Pakistan, the problem was discussed at the Commonwealth Prime Ministers' Conference at London in January 1951, but India rejected each of the proposals made.

However, it is unlikely now that this dispute will be referred to the Commonwealth for settlement as a "family affair". It has been discussed so often by the Security Council, and United Nations mediation has been employed for so long a time, that in the event of continued failure of the bilateral negotiations between India and Pakistan, the question will almost certainly be referred back to the United Nations. But it ^{is} worth noting that, whereas for the first three years (1949-51) during which United Nations Observers were supervising the cease-fire in Kashmir, Canada was the only member of the Commonwealth which contributed personnel to the observation group; since then both Australia and New Zealand are now represented. Up to 17 July 1950, when he was killed, the Chief Military Observer in Kashmir was Brigadier H.H.Angle, of Kelowna, B.C. He was succeeded by Major-General R.H.Nimmo of Australia, who is still serving. Although neither India nor Pakistan have made any public statement to that effect, officials of both countries have expressed their satisfaction that the Chief Military Observer in Kashmir is from a Commonwealth country. ¹⁰ Obviously this satisfaction is due in part to the common traditions of government and a common military history, but, in addition, there have been indications from time to time in both countries that they tend to place a greater element of trust in the underlying interests of the Commonwealth countries than in "foreign" ones.

Viewed in this light, it is possible to consider the steps first taken toward peaceful settlement of this dispute with sympathetic feelings for remarks made in the London address referred to earlier, when the

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10. The writer, a Canadian, heard such statements made by many native officers and officials during 1950, when he was United Nations Liaison Officer in Rawalpindi and in New Delhi; but similar ones were also repeated to him by members of the Diplomatic Corps from the United States, Belgium and Norway during this period. Other observers who have returned to Canada more recently support this view, as well as that expressed in the remarks following that footnoted.

speaker said in reference to the United Nations Commission which arrived in India and Pakistan in August 1948:

"The representatives were from Argentina, Belgium, Czechoslovakia, Colombia, and the United States. There must have been Englishmen who were sad when they saw this concentration of international talent. Some of them were quite unacquainted with the basic problem of Muslims and Hindus, and some of them were probably unaware of the location of Kashmir on a map previous to their appointment." 11/

Such remarks are indicative of the special interest that members of the Commonwealth cannot help but have in settlement of the Kashmir dispute.

In undertaking a description of the background of the Indo-Pakistani dispute over the accession of the State of Jammu and Kashmir, it is essential to establish at the outset that -- in spite of the many protestations to the contrary by the Prime Minister of India -- the problem is basically the ancient communal strife between the two great religious factions of the Indian sub-continent. An impartial review of the great holocaust that swept over India in 1947 shows that it would be invidious to blame either Hindu or Muslim at the expense of the other community. But it so happens, in the case of Kashmir, that there is no question in stressing persecution of the Muslims by the Hindus; ample proof of this has been firmly established. 12/

11. Lord Birdwood, "The Problem of Kashmir", Journal, May 1954, p.214.

12. United Nations, Security Council, Official Records, Third Year, U.N. Documents S/PV.228 and 229, 16 and 17 January 1948. (Pakistan's initial statement).
 United Nations, Security Council, Official Records, Fifth Year, U.N. Document S/1791, 15 September 1950. (Report by Sir Owen Dixon, UNRIP).
 Government of Pakistan, The Story of Kashmir, 1 February 1951, pp.10-11.
 Government of Pakistan, Kashmir, A Survey, October 1951, pp.5-10, 16-18.
 Government of India, White Paper on Jammu and Kashmir, Documents, pp.6-13.
 Government of Azad-Kashmir, Jammu: A Muslim Province, 1951, pp.17-36.
Times of India, and The Statesman, Delhi, 21 October 1947, Press statement by Sheikh Mohammed Abdullah, Prime Minister of Kashmir.
 "Whither Kashmir", International Studies, London, 1950, pp.6-7.
 P.N.Dhar, "The Kashmir Problem: Political and Economic Background", India Quarterly, Vol.VII, No.2, April-June 1951, pp.143-62.
 Lord Birdwood, "The Problem of Kashmir", Journal, May 1954, p.211.
 G.E.Jones, Tumult in India, Dodd, Mead & Company, New York, 1948, pp.206-30.
 M.Bourke-White, Halfway to Freedom, Simon and Schuster, New York, 1949, p.6.
London Times, 10 October 1948.
London News Chronicle, June 1946.
London Daily Express, 11 November 1947 and 15 August 1951.
New York Post, 13 May 1948.
Washington Daily News, 26 January 1951.

To illustrate the depth to which religious feelings enter into the causes of friction between India and Pakistan in the present dispute three quotations have been extracted from the work of one observant correspondent who was in India four years before the partition of the sub-continent in 1947, and wrote broadly of the whole Indian scene ¹³ :

"In history the Hindus revere the memory of Prithi Raj, Partap, Shivaji, and Be-raji Bir who fought for the honour and freedom of their land against the Muslims, while the Muslims look upon the invaders of India, like Mohammed bin Qusim and rulers like Aurangzeb, as their national heroes. Both Hindus and Muslims have a rich heritage of memories, but they are all memories of hate." ¹⁴

"We Hindus have common affinities -- cultural, religious, historical, linguistic and racial, which through the centuries have moulded us into a homogeneous nation -- an organic national being. Let us bravely face the unpleasant facts. There are two nations in India, the Hindus and the Muslims." ¹⁵

"The real reason why the Hindus are so much opposed to Pakistan is that it strikes at the root of their vested interests.... No man who is aware of the extent to which Congress is dominated by the big bosses of Hindu business can doubt this.... They have at their command the services of men of undoubted integrity whose fervid Hindu nationalism has totally blinded them to the facts. Such a one is Sri Jawaharlal Nehru, who, at a time when the streets were running with blood and the whole country was on the verge of a civil war of appalling dimensions, calmly wirelessly to America that 'except for a small handful of persons there is no difference between Hindu and Muslim in race, culture, or language. There is now a demand on the part of some Muslims for partition of India, and it must be remembered that this demand is hardly four years old. Few take it seriously.'" ¹⁶

The cleavage of Hindus and Muslims is rooted in a millenium of history during which Islam was accepted by many inhabitants of the Indian sub-continent. The new faith assumed political significance in the first centuries after its arrival because it was brought by conquerors who

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13. Beverley Nichols, Verdict on India, Jonathan Cape Limited, London, 1944, pp.208-13.
14. Bhai Farmanand, The Hindu National Movement, quoted by B.Nichols.
15. V.D.Savakar, presidential address at the Calcutta Session of the Hindu Mahasabha, December 1939, quoted by B.Nichols.
16. New York Times Magazine, 19 July 1942, quoted by B.Nichols.

considered themselves emissaries of Mohammad. The mediaeval conflict later passed into eclipse with the coming of the British and the decline of the Muslim dynasties. In the initial stages of the growth of modern nationalism leaders of both Hindus and Muslims cooperated in anti-British agitation. However, as nationalism stirred the masses of people, consciousness of differences in belief and custom became associated with economic class conflicts and attained such proportions that other country-wide and regional unities were outweighed. Religious groupings were taken into account as the British Parliament conceded administrative and legislative powers to Indian nationalists. Quotas were set in the civil service and in the provincial and federal legislatures for representation of the several religious communities. The rapidity with which the religious cleavage was transformed into a political schism raises doubt as to whether the cultural basis for the formation of a true national state existed in the Indian Empire. 17/

The recognition of religion as a basis for the establishment of a state -- the process by which Pakistan was born -- and demarcation of its boundary posed a problem the complexity of which is perhaps equalled only in the overlapping cultural and political divisions of eastern Europe. Conflict of loyalties has been created in every town and village where Muslims live who believe that their welfare depends upon union with Pakistan. Events have demonstrated the failure of partition alone to solve the political problem. Exchange of minorities has altered the distribution of Muslims, Hindus and Sikhs to conform with the boundary only in the Punjab and adjacent areas. Elsewhere the adherents of the conflicting groups remain widely intermingled.

17. J.E.Brush, "The Distribution of Religious Communities in India", Annals of the Association of American Geographers, Syracuse, Vol.XXXIX, No.2, June 1949, pp.81-98.

Having made definite mention of the importance of religious strife throughout the greater part of India's history, consideration may be given now to the steps by which India, under British rule, developed politically until independence was attained and the Indian Empire was partitioned into two separate Dominions within the Commonwealth of Nations; that is, up to the point when the territories of India may be said to fall into the definition given by the Prime Minister of Great Britain in 1950:

"The Commonwealth... is the only instance of the transformation of an Empire built up by a powerful State in which that State has, through deliberate policy, divested itself of its power and transferred sovereignty to units of that Empire which were formerly subordinate.... The conception of the Commonwealth to-day is entirely different from that of other Empires. It is based on the idea of equal partnership, not domination." 18/

India, under British rule, consisted of territories under two different kinds of government: British India, which comprised a number of Provinces originally under direct British administration, covering about three-fifths of the area and containing about four-fifths of the population of the Indian sub-continent; and the Indian States, numbering about 560 in all, under the administration of Indian princes. The ruling Princes of the Indian States were by treaty or usage subject to the suzerainty of the Crown as paramount power, and their relations with foreign powers were conducted through the Crown, but their states were not British territory. The Viceroy or the Governor-General was the head of the Government of British India, and conducted the Crown's relations with the Indian States.

The Governments of the Indian States maintained, with modifications, the tradition of personal rule. Until 1919, the Government of British India

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18. Rt.Hon.C.R.Attlee, 15 May 1950, quoted in Constitutional Development in the Commonwealth, Central Office of Information, London, 1950, Preface.

was a highly centralized administration responsible to the United Kingdom Government acting, after 1858, through the Secretary of State for India in Council. The Provincial Governments were agents of the Central Government and under its legislative and executive control.

By Acts of 1861, 1892 and 1909 the representative principle was recognized by the admission of Indians to Legislative Councils in the Provinces and at the Centre. These Councils had extensive powers and were not merely advisory, but the reality of power remained with the Viceroy and his official advisers and subordinates acting under the direction of the United Kingdom Government. By the end of the 'seventies Indians were appearing in the Indian Civil Service. The first Indian was appointed to the Viceroy's Council in 1909.

The development of Legislative Councils brought into prominence the problem of the representation of the minorities. The main division in Indian society was between the Hindus, who constituted about two-thirds of the population, and the Muslims, who constituted nearly one-quarter. The Muslim minority objected to the election of representatives to the various Legislatures on the basis of a common roll, which they feared would impair their right to political expression and place them in permanent subjection to the Hindu majority. Under the reforms of 1909, separate electorates and representatives were granted for Muslims and the other minority communities.

National feeling came to be expressed mainly through the Indian National Congress founded in 1885 and the All-India Muslim League founded in 1906. In 1907 the creed of Congress was defined in the following terms:

"The objects of the Indian National Congress are the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire and a participation

by them in the rights and responsibilities of the Empire on equal terms with those members. These objects are to be achieved by constitutional means by bringing about a steady reform of the existing system of administration and by promoting national unity, fostering public spirit and development, and organizing the intellectual, moral, economic and industrial resources of the country." 19

The nationalist movement was intensified by the war of 1914-18, and as a result of the part played by India and the Indian Army, there was a natural disposition to concede political advance. In 1916 the chief obstacle seemed to have been overcome by an agreement between Congress and the Muslim League, known as the "Lucknow Pact". Consequently, in 1917 the United Kingdom Government declared the objective of its future policy towards India. This was "the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire". In pursuance of this policy, the Montagu-Chelmsford Report made recommendations for the setting up of new institutions in the provinces and at the Centre, and these were to a large extent implemented in the Government of India Act of 1919, which considerably increased Indian participation in the Government.

The franchise was widened, the Provincial Legislatures were enlarged, and the principle of dyarchy was introduced. The existing Central Legislative Council was converted into a legislative body of two houses, the Council of State and the Legislative Assembly. Dyarchy was not introduced at the Centre.

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India had acquired a new status by her membership of the Imperial War Conference of 1917. She became an original member of the League of Nations and was represented at non-League international conferences on the same footing as the Dominions.

In pursuance of the Act of 1919, a Statutory Commission under Sir John Simon was appointed in 1927 to make recommendations to Parliament on the next stage of constitutional development. The recommendations of this Commission, published in 1930, were discussed at a Round Table Conference held in London and there emerged the Government of India Act of 1935. This Act provided for further development of provincial autonomy, and all provincial affairs such as finance and law and order were placed in the hands of Indian Ministers responsible to the Legislature. Except for the provision for a federation of both Provinces and States under one constitution for the whole of India, which was repudiated by both Congress and the Muslim League, the Act of 1935 came into force on 1 April 1937.

In 1940 the Muslim League propounded the doctrine that the Muslims of India were not a minority but a separate nation, and subsequently committed itself to the policy of Pakistan, that is that the areas in north-west and north-east India in which Muslims were in a majority should become a separate sovereign state. Since the Central Government was still responsible only to the Secretary of State for India and the United Kingdom Parliament, the proclamation of war by the Viceroy in 1939 was legally not subject to the prior consent of the Central Legislature. Congress leaders resented this and insisted that India be declared an independent nation and accorded the largest possible measure of actual independence at once. The Viceroy replied by re-affirming the pledge of Dominion status as the aim of United Kingdom

policy in India, and by undertaking that the Act of 1935 should be reconsidered after the war in the light of Indian opinion, but this offer was unacceptable to Congress. Efforts by the United Kingdom Government, notably the visit of Sir Stafford Cripps to India in 1942, to secure agreement on the future government of India failed, and the political problem was still unsolved when the war ended in August 1945.

A series of attempts were made to end the uncertainty about the future government of India, until in May 1947 the Viceroy (Lord Louis Mountbatten) invited the leaders of the principal communities and representatives of the States to meet him so that he might "present to them a plan for the transfer of power to Indian hands". ²⁰ The plan was accepted by both Congress and the Muslim League and on 3 June 1947 the United Kingdom Prime Minister announced the intention of the United Kingdom Government "to introduce legislation during the current session for the transfer of power this year on a Dominion status basis to one or two successor authorities" according to decisions taken by the Provinces as the result of the procedure provided for in the plan. This would be without prejudice to the right of these authorities to decide in due course whether or not they would remain within the Commonwealth.

The Indian Independence Act which came into force on 15 August 1947 created the two independent States, India and Pakistan, and at the same time

20. These meetings of 2 and 3 June 1947 have been described in great detail, with many interesting asides on the personalities involved, by the Press Attache to the Viceroy, who was present at the time.

Vide: Alan Campbell-Johnson, Mission with Mountbatten, Robert Hale Limited, London, 1951, pp.99-108.

The description must be read with caution, for there is present throughout this book a tendency to inflate the achievements of Lord Mountbatten, and a prejudice towards support of the Hindu viewpoint at the expense of the Muslim. The latter is treated with a touch of sarcasm.

invested the Constituent Assembly of each with statutory and plenary powers. The Act also made provision for the adaptation of the Government of India Act, 1935, as a provisional constitution for each of these new States, pending the drafting of their own separate constitutions.

The new Constitution of India ²¹ was adopted by the Constituent Assembly in New Delhi on 26 November 1949. Some of its provisions came into force immediately, but formal inauguration of the constitution as a whole was deferred until 26 January 1950. Its basic principles follow the British model, adapted to the federal character of the Republic of India; but certain features are adopted from the constitutions of other countries, notably the United States, Australia, Canada and Eire. The new constitution is federal in character. India is, however, described as a Union, all units of which, whether consisting of provinces, princely States, or groups of States, are designated as "States". Legislative, executive and judicial powers are distributed between the central authority and the units, but the residual powers remain with the former, thus following the Canadian and not the Australian example.

The relationship between India and the other members of the British Commonwealth had been settled at the Commonwealth Conference in London held in April 1949, from which the following issued:

"The Government of India have informed the other Governments of the Commonwealth of the intention of the Indian people that under the new Constitution which is about to be adopted India shall become a sovereign independent Republic. The Government of India have, however, declared and approved India's desire to continue her full membership of the Commonwealth of Nations and her acceptance of the King as the symbol of the free association of its independent member nations and as such the Head of the Commonwealth."

21. When the Dominion of India became a Republic it was named officially "Bharat" -- a resurrection of an ancient name -- but it is seldom referred to by that name, or by its other name "Hindustan", outside of the Indian sub-continent. It is still spoken of officially as "India".

One prominent writer has drawn attention to the fact that it might not have been loyalty to the British Raj, Empire and Commonwealth, or the urging of the Prime Ministers of the other members of the Commonwealth that kept the Republic of India within that fold, when he said:

"On tactical grounds alone, at least temporary membership of the British Commonwealth was advisable from even a purely nationalist Indian point of view. In this way, it was easier in any conflict between India and Pakistan to neutralize the Commonwealth than if India had severed her links with it altogether. The discreet way in which the cases of Kashmir and Hyderabad were officially ignored on the Commonwealth level and shifted to that of the United Nations proved such expectations to be justified. Only under the threat of non-participation at the Conference of Commonwealth Prime Ministers in 1951 did Mr. Liaquat Ali Khan secure at last an official discussion of the Kashmir dispute on the Commonwealth level."

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The Constitution of Pakistan has not yet been completely drafted, and government has been carried on by a Cabinet collectively responsible to the Constituent Assembly, which has had two functions: first to act as a federal parliament for Pakistan; second to prepare a constitution. Until the latter is completed the administration will continue on the basis of the Government of India Act, 1935, adapted to meet the particular needs of Pakistan.

Reverting to the period between the beginning of June and the middle of August 1947, when the Viceroy and Governor-General and his staff were preparing the details for the transfer of power from the United Kingdom to the native governments, one of the greatest problems (which was, in some ways, bigger than the problem of obtaining agreement between the political parties) was how to fit the Indian States into the new picture. This picture was a complex jig-saw puzzle further complicated by the coming partition.

22. Georg Schwarzenberger, Power Politics, A Study of International Society, London Institute of World Affairs, Frederick A. Praeger, Inc., New York, 1951 (2nd edition), pp.74-75.

Outside of the Indian sub-continent, even in the United Kingdom, it was not generally realized that the 300 millions in British India were governed by the Governor-General in Council, whereas the 110 millions in the Indian States were governed by their own rulers, but in conformity with the overall directions of the King-Emperor expressed through his Crown Representative, the Political Department and the Residents in each group of States. Co-ordination of the Government of these vast parts of India was achieved by appointing one and the same man to be the Governor-General of India and the Crown Representative of the Indian States. The two appointments were combined in the single title of Viceroy. As the partition of the Indian Empire approached in the summer of 1947, when the country would be divided into two separate and independent Dominions, a failure to co-ordinate the States could have led to a most chaotic situation. Under the "June 3 Plan" -- the name commonly given to the Statement by His Majesty's Government on which the Partition of India and the transfer of Power to the Dominions of India and Pakistan were based -- after 15 August 1947 there would be no Viceroy, Paramountcy would be retroceded and each Indian Prince would become an autocratic independent sovereign. 23

Whether or not the decisions taken and the actions implemented at this time by Lord Mountbatten, the last Viceroy of India, are agreed with in retrospect, high credit is due to him and his brilliant staff for the extent of the diplomacy, patience and zeal which all of them used in the persuasion of the various political parties on the one hand, and the Chamber of Princes

23. Campbell-Johnson, Mission with Mountbatten; the full text of the "June 3 Plan" is reproduced as an Appendix in the work noted.

The author is lavish in his praise of the Viceroy's handling of the vast problems involved; this writer is of the opinion that Lord Mountbatten imposed some severe handicaps on the newly established Pakistan.

on the other. Whether or not the suggestions made and the procedures followed were always absolutely fair and impartial does not detract from the fact that the end results were attained, and India was partitioned with far less bloodshed and chaos than had been expected by the most optimistic of those who had known British India and the oppressive rule in many of the States. It was a feat in itself to have obtained the agreement of the political parties to the "June 3 Plan"; but probably Lord Mountbatten's most notable success was in his adroit handling of the Princes, a formidable task in itself.

One of the major consequences of Partition was its effect on the position of the Indian Princely States. Five hundred and sixty-five of them in all, ranging from Princes of States as large as European nations to landlords controlling a few thousand acres, they ruled over a third of the sub-continent in area, and a quarter of it in population. They stood outside British India being in treaty relationship with Great Britain as a Paramount Power. United, they might have been a formidable factor in the situation, but when they were faced with this serious threat to a long-established hereditary protection, they were distracted and fatally weakened by internal dissensions. Leaderless, the Princes tried hard to hide behind opportunism and indecision, but, by the time that Lord Mountbatten called them together in full Council on 25 July 1947, events were moving too quickly for these tactics to avail them much. The Viceroy took the initiative in advising them all to accede to one or other of the two new Dominions as the effective successor Powers to the British Raj. ²⁴

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The basic principle of Accession was that it was vested in the personal discretion of the Ruler, since he was an autocrat in his own State. But it was recognized that this discretion should be qualified by the geographical contiguity of the State to the successor Dominion, the communal composition of the State, and a plebiscite if necessary to ascertain the will of the people. The remarkable measure of success which Lord Mountbatten met in his persuasion of the Princes to sign the Instrument of Accession is shown by the fact that, by 14 August 1947 -- the eve of India's Independence Day, all but three of the five hundred and sixty had acceded either to India or to Pakistan. In his epilogue to a detailed account of how these events were viewed from the Viceregal Palace in New Delhi, the Viceroy's press attache wrote:

"It has been a bloodless revolution and a political achievement of the first magnitude, largely lost sight of abroad on account of more lurid and dramatic news, among which must be counted events in those three States who failed to accede by 15th August."

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Recalling the press accounts, the magazine photographs and the news-reels in the latter half of 1947, it is difficult to accept the millions killed in the vicious communal rioting and planned genocide that accompanied the partition of the Punjab alone, as representing a "bloodless revolution". But, in relation to the total population of the whole sub-continent, this was less than 0.75 per cent. Brought about largely by the Sikh uprising, supported by gangs of the cruel Rashtriya Swayam Sevak Sangh -- formidable offshoot of the Hindu Mahasabha, -- with belated but determined retaliation by the Muslims, the operations were mostly carried out by small groups with cleverly planned mobile attacks on trains and villages. The cataclysm in the Punjab points up the fact that Partition did not cause the communal crisis, but the communal crisis was the cause of Partition. 26/

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25. Ibid., p.358.

26. Vide footnote 12, page 142 of this paper.

If the successful transfer of Power from the United Kingdom Government to the two successor Dominions was "a political achievement of the first magnitude" there must have been special reasons why there was "lurid and dramatic news... in those three States who failed to accede by 15th August." At the Council of Princes, on 25 July 1947, Lord Mountbatten warned all those present that the only way they could be guaranteed survival with their basic personal prerogatives and succession rights secured would be for each and every one of the Princes to sign an Instrument of Accession for his State to one or other of India or Pakistan. He explained to them that delay and indecision, carried forward to the day of the transfer of Power, could result only in serious trouble. Lord Mountbatten was able to speak to the Princes of India not only as the Crown Representative but also as the cousin of King George VI, and, for these hereditary rulers, the blood Royal carried its own authority. Within a week it was apparent that his advice had taken effect, for, apart from Hyderabad and Kashmir, which presented special problems, there was only a small group -- led by the influential Nawab of Bhopal and the Maharaja of Indore -- which was still holding out against accession. On the day that India became independent of Great Britain and divided itself into two Dominions, there were only three States which had not opted for either. Their individual and separate delays gave rise to all the troubles forecast by the last Viceroy; they created so much difficulty that each of the three States concerned have caused disputes which were separately brought before the Security Council of the United Nations, where, on 20 January 1948, it was agreed to combine all three disputes under the title of the "India - Pakistan Question". ²⁷ ✓

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27. Vide page 92 of this paper, with reference to U.N. Document S/655.

Of the three States which failed to accede before 15 August 1947, there was first of all the case of Junagadh. This was not of primary importance in itself, but significant for the precedents it set. Junagadh was a small State of some five thousand square miles, with a Muslim ruler who finally acceded to Pakistan. By his action the twin principles of geographical contiguity and communal majority were both violated. After various complicated negotiations, India took over the State, and a plebiscite confirmed popular acceptance of this action. On a very small scale this case is a parallel to that of Hyderabad, and diametrically opposite to that of Kashmir, although it could hardly compare with either in size, population, strategic value or economic resources.

The Muslim Prince ruled a population of about 700,000 ²⁸✓, of which approximately 80 per cent were Hindu. Junagadh's territory was completely encircled by States that had acceded to India and therefore was not contiguous at any point with Pakistan; its railways, posts and telegraph were an integral part of the Indian Communications system. At the Viceroy's Council of Princes on 25 July 1947 Junagadh's representative had indicated that he would recommend its accession to India along with the policy of the other 279 small States of the Kathiawar peninsula; however,

"On August 10th... there was a coup d'etat. A group of Sindi Moslems [sic] took over the Government... and the Nawab became a virtual prisoner in his palace." ²⁹✓

On 17 September, two days after the State had acceded to Pakistan, India encircled the territory with its troops. Then, on 9 November at the invitation of the Prime Minister of Junagadh, India occupied the State and proclaimed its intention of administering Junagadh until an impartial plebiscite would determine its final status. This was held on 24 February 1948 under

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28. Population figures quoted in this study of the "India-Pakistan Question" are taken from the Government of India Census Report of 1941.

29. Campbell-Johnson, Mission with Mountbatten, p.192.

the auspices of the Indian Government, and resulted in an overwhelming vote for accession to India. In January 1949 the State was absorbed into the merger called Saurashtra, a Union of Princely States in north-western India.

The relationship of Junagadh to the Indo-Pakistan impasse over Kashmir lies in the fact that the Pakistani have often cited the circumstances of Junagadh's accession to Pakistan, and India's reaction thereto, as being in sharp contrast with India's policy vis-à-vis Kashmir. For example, the following statement was made by Pakistan's representative to the United Nations when pleading the Kashmir case before the Security Council on 6 March 1951, and in much the same words again on 16 December 1952:

"When the Government of India came to know that the ruler of Junagadh contemplated accession to Pakistan, the Prime Minister of India sent a telegram to the Prime Minister of Pakistan, dated 12 September 1947, in the course of which he said in paragraph 4:

'The population of Junagadh... 80 per cent are Hindus. This large majority... has made it clear to the ruler of Junagadh... that they are opposed to Junagadh acceding to the Dominion of Pakistan and that they wish that the State should accede to the Dominion of India.'

He went on, in paragraph 5, as follows:

'The Dominion of India would be prepared to accept any democratic test in respect of the accession of the Junagadh State to either of the two Dominions. They would accordingly be willing to abide by a verdict of its people in this matter, ascertained under joint supervision' -- and this is important -- 'of the Dominion of India and Junagadh.'

Pakistan, to which Junagadh was proposing at that date to accede, was not to come into the picture at all. Only India and Junagadh were mentioned. The telegram continued:

'If, however, the ruler of Junagadh is not prepared to submit this issue to a referendum, and if the Dominion of Pakistan, in utter disregard of the wishes of the people and the principles governing the matter, enter into an arrangement by which Junagadh is to become a part of the Federation of Pakistan, the Government of India cannot be expected to acquiesce in such an arrangement.'

This was followed, on 22 September, by a telegram from the Governor-

General of India to the Governor-General of Pakistan, which stated:

'Pakistan Government have unilaterally proceeded to action which, it is made plain, the Government of India could never and do not acquiesce in. Acceptance of accession to Pakistan cannot but be regarded by the Government of India as an encroachment on Indian sovereignty and inconsistent with friendly relations that should exist between the two Dominions.'

That is worthy of note. This is long before the events in Kashmir, which took place in October, more than a month after the date of the second telegram and nearly six weeks after the date of the first telegram....

Substitute Kashmir for Junagadh and read, mutatis mutandis, what the principle is which the Government of India itself is urging should be accepted as a settlement of the Kashmir dispute ." 30

It was while negotiations were still proceeding between the Governments of India and Pakistan that India marched her troops into Junagadh and set up a Provisional Government. The Director of this so-called Government, Mr. Samaldas Gandhi, made an enlightening statement:

"The future of Junagadh will be decided by a referendum, and I am sure that the Hindus will vote for India. But I request the Muslims also to vote for India and thus show the Founder of Pakistan, Mohammad Ali Jinnah, that Junagadh is cent per cent in favour of joining the Indian Union. If the Muslims vote for Pakistan, we will know who are not loyal to the Union. We cannot keep the serpents and scorpions alive, moving under our own pillows. We must put them to death. We will see who votes for Pakistan." 31

Throughout the prolonged and bitter argument between India and Pakistan over the Kashmir question, each side throws up against the other the inconsistencies of their respective policies as exemplified by the opposing positions each takes in regard to Junagadh on one side and Kashmir on the other. 32

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30. Aftab Ahmad Khan, Verdict on Kashmir, Pakistan Delegation to the United Nations, New York, 1951, pp.56-57.
31. Government of Pakistan, Kashmir, A Survey, an address by the Minister for Kashmir Affairs, Karachi, 1951, p.23.
32. Vide M. Brecher, The Struggle for Kashmir, op.cit., pp.172-3. The author shows how the case may be turned to the advantage of India, but in fact each argument presented can be inverted when applied to Kashmir.

The third and perhaps most important State of all to stand outside Accession was Hyderabad. The second State was that of Jammu and Kashmir, but, because of its special status in this particular study, it will be considered after a brief discussion of the problems presented in the case of Hyderabad. As in the case of Junagadh, Hyderabad was ruled by a Muslim prince and a small Muslim oligarchy, although its population of some twenty millions was 86 per cent Hindu. The Nizam ruled the premier State of India, in the heart of Hindustan, claiming a special status of independence -- even to the point of denying the suzerainty of Great Britain. He was determined to preserve this "independence" by refusing to accede to either of the successor Dominions; he stalled for time, playing out the time through ingenious tricks of diplomacy and other tricks such as the feigning of illness. Nevertheless, late in November 1947, he signed a Standstill Agreement with India which was to be valid for a year, pending a final settlement. During that year Hyderabad sponsored various acts to demonstrate her status as an independent nation.

On the Indian side there was an undoubted blockade of the State, which seemed to have been organized at the Provincial level; while the Central Government did not authorize it, it certainly did little to bring it to an end. Some of the Indian diplomacy was extremely clumsy, and the presentation of their case was generally deplorable, particularly in the attempts to force the pace of the Nizam and his Government. Thus, when the Nizam offered to conclude treaties with both India and Pakistan, and to hold a referendum in the presence of United Nations' observers to ascertain the will of his people regarding the future of the State, the Government of India took the stand that the State should first accede to India and then a plebiscite could be held -- very much like Hitler's proposal for a referendum in Austria after its occupation by German troops.

In the White Paper on Hyderabad issued on 10 August 1948, the Government of India stated:

"The Government of India are firmly of the view that, whatever sovereign rights reverted to the States on the lapse of paramountcy, they vest in the people and conditions must be created in every State for a free and unfettered exercise of these rights."

The Indian representative, explaining to the Security Council on 15 January 1948 the position of his Government regarding the accession of States, said:

"No doubt the ruler, as the head of State, has to take action in respect of accession. When he and his people are in agreement as to the Dominion to which they should accede, he applies for accession to that Dominion. However, when he takes one view and his people take another view, the wishes of the people have to be ascertained. When so ascertained, the ruler has to take action in accordance with the verdict of the people." 33

As will be seen later, India applied this in one direction when related to Hyderabad, but in another in regard to Jammu and Kashmir. A further quotation from the White Paper on Hyderabad provides another example of the same duplicity:

"The Nizam's Government wish to hold a plebiscite under the conditions in which a small militant group controls the destinies of the people and the Razakars, [a militant off-shoot of the Ittehad, an extremist Muslim group] are left free to terrorize the people into submission. A plebiscite without an interim government, representative of and satisfactory to the majority of population in Hyderabad, will only be a fraud on the people."

While India pointed this at Pakistan in regard to Hyderabad, Pakistan turns it to good account on India concerning Kashmir, by the simple process of changing only three words: for "Nizam's" read "Indian", for "Razakars" read "State Militia", and for "Hyderabad" read "Kashmir".

No matter how right or how wrong may have been the methods used by India in intervention in the Hyderabad issue, it must be accepted that the action taken checked effectively the spread of communal violence in the State,

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33. The complete text of the address to the Security Council on the Kashmir dispute, by Gopalaswami Ayyengar, is contained in United Nations Document S/PV 227, 15 January 1948.

cut off the Communist intervention which succeeded in embarrassing and confusing both sides, and it ensured consolidation of the political situation throughout South India -- for some time, at least.

In so far as the Hyderabad Question was dealt with by the Security Council after the issue was referred to the United Nations, the record of the proceedings of the Council are not very satisfying. By a cable (S/986) dated 21 August 1948, confirmed by a letter of the same date, the Secretary-General of the Department of External Affairs of the Government of Hyderabad communicated to the President of the Security Council his Government's request that the dispute which had arisen between Hyderabad and India be brought to the Council's attention, in accordance with Article 35 (2) of the Charter. After further communications were received from Hyderabad, referring to the actual invasion having taken place, the question was placed on the agenda of the meeting held in Paris on 16 September. It was discussed during several meetings between that date and 24 May 1949, but no definite action was taken; since then the question has not been considered, but remains on the agenda. ³⁴ It is generally understood that the questions of Junagadh and Hyderabad will be re-considered after the dispute over the State of Jammu and Kashmir has been settled. As the situation stands now in both States, the United Nations is faced with a fait accompli by India.

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34. For further study of the Hyderabad Question before the Security Council, reference should be made to the following United Nations documents:
- S/ 986, 21 Aug 48; S/996, 8 Sep 48; S/ 998, 12 Sep 48; S/1000, 13 Sep 48; S/1001, 15 Sep 48; S/1011/Add.1, 22 Sep 48; S/1015, 24 Sep 54; S/1027, 6 Oct 48; S/1031, 11 Oct 48; S/1084, 20 Nov 48; S/1089, 24 Nov 48; S/1109, 6 Dec 48; S/1115, 10 Dec 48; S/1118, 12 Dec 48; S/1124, 13 Dec 48; S/1317, 4 May 49; S/1324, 18 May 49.

It was said earlier that the squabble between India and Pakistan over the accession of Junagadh was of little consequence. However, it did provide a "curtain-raiser" to the dispute over the State of Jammu and Kashmir, and, in the latter, gave to both sides an opportunity to cry: "Sauce for the goose, sauce for the gander!" The complex problem posed by the delayed accession of Kashmir became more greatly complicated by the precipitate manner of its being brought about. It was rendered more complicated still by further special factors. There was a powerful Kashmir States Congress movement led by Sheikh Mohammed Abdullah, a Muslim Congressman of forceful personality and national status in India. Jawaharlal Nehru, himself descended from Kashmiri Brahmins, and Sheikh Abdullah were close personal friends. From the military viewpoint Kashmir is an area of great strategic importance to both India and Pakistan; Pakistan has inherited the burden of the North-west Frontier, and a major conflict of interest between the two governments along this line could gravely undermine the security of the entire sub-continent; for India it means the deployment of military strength to the maximum disadvantage along tenuous lines of communication and on a front where superiority of numbers and armour can rarely be exploited. Finally, the Kashmir dispute gained international status when India made its appeal to the United Nations at the peak of the crisis in December 1947, anticipating that Pakistan would be labelled as an aggressor within a short time, but, instead, the question has become more and more difficult to resolve as seven years have gone by, and as it has been drawn more deeply into the vortex of the international struggle. Both sides are sustained by fervent and not unfounded belief in the strength of their cause -- Pakistan relying more on natural justice and economic necessity, and India more on legal right and political morality. In order to understand the scene in which these factors appear, it is necessary to display the background for the history of the dispute as it developed.

The Geography of Kashmir

"God of the distant north, the Snowy Range
O'er other mountains towers imperially;
Earth's measuring rod, being great and
free from change,
Sinks to the eastern and the western sea...."

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Even the name Kashmir has a meaning and a charm, for it is derived from Kas, meaning "channel", and Mir, meaning "mountain", and implies that it is a mountain-trough. The Vale of Kashmir is a land world-renowned for its beauty. Its extreme ruggedness, and the scars left during the course of its tumultuous evolution in the Himalayan heights, add greatly to its beauty and its scenery. Its giant mountain masses, its unique lakes, water-falls, rivers and springs all cooperate to make it a land of many attractions; and almost all the physical features and types of land-forms are displayed. In it, there are enough valuable minerals, forest products and hydro-electric power to make what is today a poor land into a rich one someday. Kashmir is the Switzerland of Asia, both in its physical features and in the fact that, standing at the cross-roads of the ancient caravan routes, it has been in Central Asia the meeting point of various cultures. 36

35. A.W.Ryder, Translations from Kalidasa, Everyman ed. (n.d.), p.157.

36. For most of the material used in the sections on the geography, people and history of Kashmir, the writer turned to two sources from the sub-continent: M.B.Pithawalla, An Introduction to Kashmir, its Geology and Geography, Kashmir Publications, Muzaffarabad, Azad Kashmir, 1953. Kamnudi, Kashmir, Its Cultural Heritage, Asia Publishing House, Bombay, 1952. The former is an admirable little book by the Head of the Department of Geography, University of Karachi; the latter is interesting, with a sentimental and very pro-Indian approach.

Reference in detail was made also to the following:

O.H.K.Spate, India and Pakistan, E.P.Dutton & Co.Inc., New York, 1954, pp. 364-82
G.B.Cressey, Asia's Lands and Peoples, McGraw-Hill Book Company, Inc., New York, 1954, pp.414-494.

A.K.Lobeck, Physiographic Diagram of Asia, Columbia University, New York, 1944
W.H.Gilbert, Jr., Peoples of India, Smithsonian Institution, Washington, 1944.
K.Davis, The Population of India and Pakistan, Princeton University, 1951.

About 100 million years can be reckoned as the probable age of Kashmir, quite small compared to the more than 1000 million years of the earth itself. For some 900 million years, where there are such stupendous folded mountains today, there rolled the Tethys Sea. There are many evidences of this long burial among these rocks today in the fossils formed in different geological epochs. It was not until the last tenth of the earth's age that this particular area suffered disturbance of the isostatic equilibrium from both tangential and lateral pressure, with the result that the land rose gradually between the two very stable blocks of the earth's crust, Siberia and the Indian massif. It rose and fell and rose again, resulting in the stupendous mountain system of the Himalayas with its many physical features for which it is so well known.

The rocks, which once were lying on the floor of the sea, now lie at high angles of dip, and the lavas, which welled up between the stratified rocks, are found hardened into fantastic forms of igneous masses. Once exposed, nature's opposing forces of denudation and erosion started working on these folded mountains. The resulting ruggedness and variety of land-forms was caused by the work of sunshine, running-water, moving ice and glaciers, earthquakes and volcanoes, and even bacteria. The work of upheaval in the Himalayas has not yet been completed; they are still in the act of rising slowly and relentlessly; they are still unstable.

The rivers have never remained steady. They have shifted their courses and, eroding and denuding their own banks and beds, have produced such terrific gorges as the Gilgit, 14,000 feet deep; they have left the river terraces for their newer and younger valleys, and hence deeply dissected by themselves. These old terraces and the present valley-plains form Kashmir's richest fields for cultivation and grass-lands.

Physiography

The State of Jammu and Kashmir is a clear-cut physiographic unit with good scientific boundaries all round -- except for the mountain-passes. It occupies nearly 10 degrees of North latitudes and 11 degrees of East longitudes; its total area is 84,471 square miles. The most prominent physiographical feature of Kashmir is its effect of being a "double staircase", ascending and facing the Indo-Pakistan sub-continent on the southwest with three steps, and descending into Tibet on the northeast with two steps. ✓37

The first step starts from the low Punjab hills, in a line with the Siwalik hills, a strip of raised plain, cut up by ravines through which flood-waters escape, and hardly exceeding 10 miles in width or 1,000 feet in height. Here is the home region of the Dogras. The next step is reached in crossing the Pir Panjal Range, running from Muzaffarabad to Kishtwar on the Chenab River. One of the longest of the Middle Himalayan ranges, it is nearly 180 miles long and 30 miles wide, and is named after the famous Pir Panjal Pass (11,400 feet). Other passes are the Banihal (9,290 feet) in the south face, and the Baramula (5,191 feet) in the west through which the Jhelum River flows out of the Vale of Kashmir. This range is orthoclinal, having a steep escarpment facing the Punjab plains, and sloping toward the north covered with forest. The highest point is 15,523 feet, the average height being approximately 12,000 feet.

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37. Vide, Appendices 'H', 'I', 'J' and 'K' of this paper:

Appendix 'H': Physiographic Diagram of the Indian sub-continent, after A.K.Lobeck, op.cit.

Appendix 'I': Diagrammatic section across the Western Himalayas, after M.B.Pithawalla, op.cit., facing p.22.

Appendix 'J': Diagrammatic section of the Kashmiri Himalayas, after O.H.K.Spate, op.cit., pp.370-1.

Appendix 'K': Diagrammatic plan of the Kashmiri Himalayas, ibid., p.369.

The third step is that of the Great Himalayas, nearly 150 miles long (northwest - southeast), with its loftiest peak in this region being Nanga Parbat (26,620 feet). Most of the range wears a mantle of perpetual snow. The Zaskar Range is an off-shoot of the Great Himalayas, rising to over 20,000 feet, and in Kashmir itself separates the valley of the Indus from those of the Jhelum and the Chenab, and blocks the Southwest Monsoon. This is the area of the famous Zoji La Pass (11,300 feet) on the route to Leh in Ladakh. Another off-shoot of the Great Himalayas is the North Kashmir Range, lying between the valleys of the Kishenganga and the Jhelum, its peak being Haramukh at 16,980 feet.

Beyond the Great Himalayan Range is the other side of the "staircase" down into Tibet in two steps. First is the range of Karakoram mountains -- "The backbone of high Asia" -- about 100 miles in length, through Baltistan southeastward into Tibet. This range gets its name from the Karakoram Pass which crosses into Tibet at 12,000 feet, and it includes "K-2", Mount Godwin-Austen (28,178 feet), the second highest peak in the world. Here, too, the rivers have cut such deep gorges that some of them lie as low as only 3,500 feet above sea-level. This range is the water-shed between the Indus Valley and the Tibetan Plateau. The latter is the second step of the "staircase", and is -- with an average height of 12,000 feet -- much higher than its counterpart in the Punjab Hills.

Rivers

The Indus River cuts the territory of the State of Jammu and Kashmir diagonally almost into two parts, while the Jhelum River, passing westward through the Kashmir Valley, turns southward at Domel and forms part of its western boundary. The Valleys of the Indus, the Jhelum, the Chenab and the Ravi are really strike valleys, antecedent to the origin of the mountains, and

show abrupt alterations of deep U-shaped gorges formed by glaciers and V-shaped valleys cut by the rivers. The deepest valley in Kashmir is in Gilgit, where there are steep precipices up to 16,000 feet in the path of the Indus. River terraces and hanging valleys here show how the Indus has undergone down-cuttings and hydrographical changes.

"The Himalayas (altogether about 1500 miles long) have been drained by 22 large and well-known rivers. But that portion of the mountains, known as the Punjab Himalayas, occupies only about 350 miles and is drained by the five Punjab rivers. The Sutlej and the Beas have little to do with Kashmir. On the other hand, the Indus leads the Kashmir rivers and occupies a unique position among the principal rivers of the world. No other river is fed by such a galaxy of great glaciers; no other river collects the drainage of such a number of famous mountain peaks.... No other river in the world gives its water to such a diversity of human races."

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The Jhelum rises east of Islamabad in a valley so flat that from the outset it is navigable. It flows northwestward for about 102 miles, through Srinagar, into Wular Lake and beyond to Baramula. The banks are low and terraced, cultivated with wheat and barley up to the water's edge. The fall is only $2\frac{1}{4}$ feet per mile in this tract. A sudden change takes place after Baramula where, for 70 miles to Kohala, it runs through a deep gorge between the Pir Panjal on the left and the Kaji Nag mountains on the right, and drops ferociously from 5,000 feet to 2,000 feet. At Domel the Jhelum makes a hairpin bend from a northwesterly direction to due south, and at the bend is the confluence of the Kishenganga. Only a short distance south of Domel is the confluence of the Kunhar River, draining the Kagan Valley in Hazara.

Although the Chenab River does not flow directly through Kashmir State, its tributaries, the Chandra and the Bhaga, rising in Lahul, do drain a portion of the southeastern frontier. They meet at Tandi, flow jointly in a northwesterly direction for more than a hundred miles between the Great Himalayan Range and the Pir Panjal Range, then make the characteristic southerly bend

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at Kishtwar, cuts across the Fir Panjal, picks up the Tavi River (on which Jammu is situated) and enters the Panjab plain.

Climate

Owing to its varied heights, ranging from 1,000 feet to 28,000 feet, and 15 latitudes between $32^{\circ}15'$ N and $36^{\circ}58'$ N, the climate of Kashmir varies from the "arctic" of Ladakh to the "tropical" of Punch and Jammu. Nevertheless, it has its individuality owing to its location, orography and drainage pattern. The climate is the best in the Kashmir Vale itself, being temperate for the greater part of the year.

Since the mountain passes are covered with snow in winter from November on (even Banihal at only 9,290 feet), for nearly four months, the only roads left open are the two into Pakistan, from Srinagar - Baramula - Domel, one going to Rawalpindi via Kohala and Murree, the other via Abbotabad joining the Rawalpindi - Peshawar road.

The average rainfall may be taken ^{as} 26 inches: 7 inches in the Indus Valley, 27 inches in the Jhelum Valley, and 42 inches in the Jammu plain. Northward the rainfall decreases greatly until it is only 3 inches at Leh.

In the summer it rains only when eastern depressions enter the region; at Srinagar there are about 8 rainy days in April and 5 days in May and June each; at Gilgit, 2 days in each of the three months.

During the winter season, western depressions, starting from the Mediterranean sea, cross the Persian Gulf via Tashkand, and, reaching Kashmir, control the weather conditions between December and March. They have especially cold fronts with southeast winds. March often brings peculiarly active electrical storms, accompanied by dust-storms, with foggy weather and strong winds in the mountain passes.

The mountains being high and set against the Polar currents from the north, the winter temperatures in Kashmir are not as low as in Asia elsewhere. On the other hand, the temperatures are higher in the valleys in summer because of higher humidity. For example, at Srinagar in July, the humidity averages 88 per cent and the temperature 87.8° Fahrenheit.

Vegetation

The varying latitudes, high altitudes and wide ranges in temperature, rainfall and snowfall have resulted in a type of plant life peculiar to this region. As mentioned earlier, the flora progresses from arctic in the northwest through Mediterranean tendencies in Kashmir proper, to tropical in the southeast. In an area of 84,000 square miles there are at least 3,000 species of flowering plants in Kashmir.

In the Trans-Himalayan sub-region only willows and cedars grow. In the Alpine Himalayas, between 11,000 and 15,000 feet, there are dwarf shrubs, and a scanty cover of willows, junipers and birches. Rhododendrons bloom even in the snow. Lower, in the temperate Himalayan sub-region between 7,500 feet and 10,000 feet, there is a rich flora including Deodar forests, oaks, yews and Chinars, and grottos of poplars. Iris is common, and vines and orchids thrive. But the finest flora of Kashmir exists between 6,000 and 9,000 feet, bringing in firs, blue pines and birches. Orchards of pears, apples, peaches and cherries appear in the valleys, and fields of saffron.

If properly developed, the entire yield of the forest wealth of Kashmir could be estimated at 200 million cubic feet, a revenue of not less than 60 million rupees, or approximately \$18,000,000. Almost the entire amount can be transported cheaply down the rivers, the chief distribution centres being Jhelum and Wazirabad, both in West Punjab. Altogether, the forests cover nearly 11,000 square miles, about 12 per cent of the total area.

Animal Life

Closely allied to the flora of Kashmir is the fauna, unlikely to exist in the high mountains except the snow-leopards. Stags live at the foot of the Himalayas, sheep-antelope, and oxen haunt the Ladakh valley, while goats and goat-antelopes live well in others. Especially noteworthy are the Kashmir goats which are short and have a double coat. The outer coat is coarse, but the inner one is very fine of a fluffy down, pushm, excellent for shawls and some articles of clothing -- sold under the name of pushmina. Silkworms thrive on the mulberry trees of the lower hill sides.

The People

Throughout the ages, the story of Kashmir has remained that of a conservative, submissive and self-helpful people. It has been an attraction for many conquerors. As a result a special culture has been formed through the succession and absorption of many others; the aborigines, Aryans, Zoroastrians, Hindu Brahmins and non-Brahmins, Buddhists, Jains, Arabs, Moghuls, Afghans, Sikhs and Dogras, and to some extent even Europeans have mingled their elements in this unique region.

Through fifteen centuries of Hindu influence up to 1320 AD, two and a half centuries of Islamic rule, and a short period under the Chaks, Kashmir kept its independence until the Moghul rulers of India brought it under their control in 1563. Upon the decay of Moghul power, Kashmir was captured by the Afghans in 1752 and kept under cruel oppression until taken from them by the Sikhs in 1819, and from them again by purchase by the Dogra chief Gulab Singh.

Although conqueror after conqueror came and went, the Kashmiris have maintained a strong national character; they have loved isolation, have tried

to be independent and self-sufficient. The rebellious elements exist today as seen in Funch, Gilgit and Ladakh.

Though water to drink is pure and plentiful, food is scarce and the hazards of climate are many. Poverty has eaten away their mettle and the Kashmiri race has become timid and pessimistic. There are definite cultural differences between the Kashmiris and the people inhabiting the sub-continent outside of it. They are more Semitic than Aryan, more reserved than the Indian, and their life is more Dradic and Hebraic than Aryan or Indian.

The Kashmiri are an intelligent and hard-working people, endowed with an extraordinary artistic skill, though poverty has dampened their spirits. The population varies in its peculiarities according to the region it inhabits. While the Dogras from Jammu and the Southern tracts are brave and war-like people (who have learnt to be cruel), the races of the Mongolian type inhabiting Ladakh and the Indus Valley are hard, simple and sturdy. The Galchas and the Dards inhabit Hunza and Astor, and are semi-nomadic tribes, speaking an altogether different language, or mixture of Sanskrit and Persian.

In spite of their regional peculiarities and political upheavals, the Kashmiri have preserved their unity essentially intact. The comparative security due to the country's natural defences and "the narrowness of the geographical horizon -- The Kashmiri could see his whole world from the roof of his house -- are largely responsible for moulding the character of the inhabitants of the Happy Valley, a character that has remained unaltered for many centuries.... Warriors came and went; but there was no egress, and no wish on the part of the Kashmiri in normal times to leave their homes they lived their self-centred life, conceited, clever, and conservative ..."

Very low temperatures for several months, low hutments and illiteracy and a low standard of living have kept the people in misery. Filth is common amidst all the beauty of Kashmir, and at times the character of the people is shaken. The Kashmiri have suffered greatly for centuries and from many invaders. Four-fifths of the population have never seen the outside world. They are a simple people, with a certain amount of humour in them. Good as they seem to be in physique they have never been warriors; continuous oppression has made them patient and enduring; non-violence is their motto. Being Muslims, and casteless, they are able to engage in any trade and to live in any status of life. Politically they seem to have no ambition.

The Jammu Province, so closely connected politically with Kashmir for more than a century after the creation of the state in 1846 AD, is actually its centre of gravity with nearly half the total population living in it. All present day activities in the state start from this province.

There are two sharp professional divisions of the people of Kashmir; (a) Zamindars; or landlords, and (b) Taifadaris, or gardeners, herdsmen, boatmen, Shikaris, minstrels, et cetera. More than half the population is engaged in agriculture. The Pathans are always brave warriors, while the Shaikhs (Hindu converts to Islam) are generally boatmen and gardeners, the Saiyads are mainly agriculturists, and the Fakirs are mendicants roaming the villages. Castes and sub-castes are the characteristic of the Hindu population except among the Dogras, who, with the Chibs (some of whom are Muslims) are in the different services such as military: while the Gujars, the Geddīs, and the Kishtwars are herdsmen. The high-class Hindus are called Pandits or Brahmains by caste. The majority of them are found in Jammu Province.

Culturally the State of Jammu and Kashmir comprises at least six distinct groups of people, each having a rich language, its own culture, customs and manners, and each inhabiting a specific region in the State. They were all conquered and grouped into a single political unit by Gulab Singh a little over a hundred years ago.

(a) Dugar, land of the Dogras. Contiguous to the Indian Union, includes the districts of Kathua, Jammu, Udhampur, and the eastern parts of Reasi and Mirpur districts. The total area is about 9,000 square miles with a population (1941) of about 1,100,000 of which about 900,000 were Hindus. It is the only connecting link between Bharat and the state, and therefore is the most important part of the state from the Indian point of view.

(b) Ladakh, the land of the Tibetan Buddhists, lies to the north of Dugar and is contiguous with Dugar and East Punjab. Its total area is about 31,000 square miles, while its total population is about 40,000 of which 36,000 are Buddhists.

(c) Baltistan, north of Kashmir and west of Ladakh, has a total area of about 15,000 square miles and a population of 130,000 Muslims. Skardu is the chief town. The main occupation of the Balti is collecting and refining gold dust from the Indus.

(d) Gilgit, land of the Dards, lies west of Baltistan and northwest of Kashmir. The population of 116,000 Shia Muslims live in an area of about 17,000 square miles. Gilgit, the chief town, occupies a most strategic geographical position.

(e) Mirpur - Poonch - Muzaffarabad districts form the Punjabi speaking region along the western border of the state. In an area of about 5,000 square miles, the population of about 1,000,000 included about 100,000 Hindus.

(f) The Valley of Kashmir, home of the Kashmiri, has a total area of about 6,000 square miles and a population of about 1,500,000 of which about 100,000 were Hindus.

Of these six cultural regions (c), (d), and (e) comprise Azad-Kashmir, lying on the Pakistan side of the United Nations Cease-Fire Line, while the other three are mainly on the Indian side.

The people of Jammu and Kashmir State speak thirteen different languages, the chief of which are Dogri, Kashmiri, Pahari, Ladakhi and Dardi. The people inhabiting the left side of the Chenab River mainly use the Dogri language, though many of them speak Punjabi also. The inhabitants of Mirpur, Poonch, Rajauri, Muzaffarabad, Ramban, Bhadarwah and Kishtwar are Paharis. All along the western mountain region of the state Chabali is common. The people inhabiting the Frontier Illaqa of Ladakh and Gilgit belong to the Tibetan language group, Bhotia and Shina. Of these Shina is the more common in Gilgit, Astor, Gurez and Dras, while Ladakhi is the spoken language of Ladakh and Western Tibet.

Dogri, Kashmiri, Tibeti and Punjabi have their separate scripts, but Chabali, Dardi and Pahari are spoken languages only. Since the beginning of the modern era, Urdu has gained popularity in Kashmir and now is the official language of the state.

In the 1941 census the total population of the State of Jammu and Kashmir was 4,021,616, the fourth largest in India. In administrative units the population was distributed:

Jammu Province, 1,981,433; Kashmir, 1,728,705; Frontier Illaqa, 311,478.

Kashmir has two cities, 39 towns and 8,903 villages. The total urban population in 1941 was listed as 362,314, while the rural was 3,503,929, with an average density of 43 per square mile.

By religious communities the population in 1941 was distributed:

Muslims, 3,101,247; Hindus, 809,175; Sikhs, 65,903; Buddhists, 40,696;

Minor Communities, 4,605.

The History of Kashmir

Of the early history of Kashmir it is known that Hindu Kings ruled over the land for over four thousand years and in 2180 BC, Raja Daya Karan became the first of an established dynasty. The Raj Tarangini of Kalhana begins with the year 1184 BC with the reign of Gonanda. Asoka conquered Kashmir about 250 BC, and introduced Buddhism to the Valley. During the reigns of the five centuries of Buddhist rulers which followed, Buddhist monuments and monasteries were built all over the land. With the decline of Buddhism, the indigenous Shaivite philosophy which had co-existed with it absorbed most of the people. When Hiuen Tsang visited Kashmir in 631-3 AD he found the vast majority of Kashmiri to be Shaivite.

In 1322 AD the Turks invaded Kashmir. Between 1420 and 1470 the Sultan Zain-ul-Abdin encouraged the Hindus of Kashmir to learn Persian, restored them to state offices, built a number of towns and important structures, and executed plans for the control and diversion of rivers as a means of flood control and improved agriculture. It was at this time that the arts of paper-making, papier-mâché, cocoon-rearing, shawl-weaving and planting of fruit trees were introduced in Kashmir.

In 1586 Akbar, the greatest of the Mughals, captured Kashmir from the Chaks who had taken it over at the decline of the Turk dynasty, and added it to his Indian empire. His son, Jehangir, laid out the many Mughal pleasure gardens which adorn Dal Lake today, their beauty being added to by his son, Shah Jehan.

In 1753 the country was occupied by the Afghani, under Ahmad Shah Durrani, who concerned themselves only with a terroristic reign of plunder and

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loot for three-quarters of a century. In despair the people of Kashmir looked for help to the Sikh Maharaja Ranjit Singh of Lahore. In 1819 the Sikh general Misri Deewan Chand, accompanied by the Dogra chief, Gulab Singh of Jammu, with a Sikh army invaded Kashmir and established authority over the Valley. This rule lasted to 1846.

Meanwhile Gulab Singh busied himself with organizing the Dogra territory on a sound basis, keeping a tight grip on the revenues and imposing a severe administration. In ten years he annexed to Jammu all the petty principalities lying between the Kashmir Valley and Jammu. From 1835 to 1842 Gulab Singh conquered Baltistan and Western Tibet and Ladakh, and eventually had encircled the whole of Kashmir.

When war broke out in 1845 between the British and the Sikhs, Gulab Singh turned to advantage his strong political position with the Sikh power at Lahore, and intrigued with the British. He paved the way for the British victory at Sohraon in 1846, and was amply repaid in the two treaties of Lahore and Amritsar. In the former, signed on 9 March 1846, the Sikh power at Lahore agreed to give to the British, as equivalent for the indemnity of 7 crore of rupees, the hilly countries lying between the rivers Beas and Indus. A separate clause provided that Raja Gulab Singh would be recognized as an independent sovereign in such of this territory as would be made over to him in a separate agreement. This last, known as the "Treaty of Amritsar", signed on 16 March 1846, transferred to Gulab Singh, in return for a payment of 75 lakhs of rupees, all of the province of Kashmir, including Gilgit. During his short rule of eleven years the Maharaja tried to consolidate peace and establish order in the country, but he was faced with frequent disturbances in his frontier regions of Gilgit, Hunza, Puniyal, Yasin and Darel, some of which he lost.

In 1857 Gulab Singh was succeeded by his son Ranbir Singh. A

good administrator, the latter gave Kashmir a stabilized system of government. He recovered Gilgit and Yasin and Darel. It was at this time that the Jhelum Road was constructed to meet the growing needs of traffic and trade between India and Kashmir. Meanwhile, lacking the political foresight of his father he permitted a serious clash in 1872 between the two Muslim sects, the Shias and the Sunnis.

In 1885 Maharaja Ranbri Singh was succeeded by his son Pratap Singh, a weak man, who permitted a corrupt administration and depletion of the revenues. With intervention by the British Resident, the Maharaja became a figurehead and his favourites who monopolized the high offices were more or less restrained. Kashmir was modernized somewhat with the introduction of electricity, the extension of means of communication, and the foundation of some popular institutions, as well as slight improvement in education. Sir Walter Lawrence completed the Land Settlement and succeeded in abolishing Begar -- forced free labour from the peasants. (But the people were still in desperate straits.)

Raja Hari Singh, nephew of Maharaja Pratap Singh, succeeded him to the Throne in 1925. With considerable aptitude and capacity for administration, benefitted by a western education, he took steps to extend the State's progress; education was slowly expanded, hospitals and dispensaries ^{were established,} agriculturists' rights were protected; and, in 1934 a Legislative Assembly was established. In 1939 the majority of its members were elected members. The formation and functioning of this Praja Sabha was a first step towards democratization of government and proved a success within its narrow limits. In 1944 two elected representatives from the Praja Sabha were chosen as Ministers in a Cabinet of five. These reforms, however, were the result of continuous agitation all over

the State from 1931 onward.

The fountainhead of this political agitation for responsible democratic government was Sheikh Mohammed Abdulla, who formed the Jammu and Kashmir Muslim Conference in October 1932. From the beginning of 1935 Sheikh Abdulla attempted to unite all communities on one platform. In May 1936 the Muslim Conference for the first time defined its goal as "Full Responsible Government." Three years later, on 11 June 1939, at a Special Session, the Muslim Conference was renamed as the "All Jammu and Kashmir National Conference."

In 1944 the National Conference came out with its full-fledged Socialist programme in the pamphlet "New Kashmir". Based "on the democratic principle of responsible government with the elective principle, applied from the Local Panchayat right up to the National Assembly", this new scheme represented the concept of a model state.

In May 1946 the National Conference presented^{to} the British Cabinet Mission the "Quit Kashmir" resolution, questioning the validity of the Treaty of Amritsar of 1846. Sheikh Abdulla termed the treaty a "Sale Deed." The "Quit Kashmir" movement which followed the memorandum resulted in mass arrests, including Sheikh Abdulla.

The partition of India into Bharat and Pakistan on 15 August 1947, had its repercussions in Kashmir. Sheikh Abdulla was released from prison on 29 September. On 22 October tribal raiders from Pakistan invaded Kashmir. On 26 October the Maharaja of Kashmir sought accession of his state to the Indian Union, and was accepted. On the next day, 27 October 1947, Indian troops and forces landed in Srinagar following a request by the Maharaja for immediate help. On 30 October Sheikh Abdulla was appointed Head of the Emergency Administration,

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and on 5 March 1948, the Maharaja proclaimed him Prime Minister of the State, and authorized him to have the constitution of the State formed by a Constituent Assembly elected on the basis of adult suffrage.

By another proclamation, issued on 20 June 1949, Maharaja Hari Singh authorized his son, Yuv^araj Karan Singh, to carry on all functions of the State as Regent during the period of his "temporary" absence from the State.

In July 1952 the Government of India allowed Kashmir to elect its head, to fly its own flag beside (but subordinate to) the national flag, to impose restrictions on Indian citizenship, et cetera. Foreign affairs, communications and defense were the responsibility of the union government; residuary powers were vested in the state. As a result, the Yuvaraj ceased to be Regent for his deposed father; instead he was elected Sadar-i-Riyasat ("Head of State") which carries a term of five years.

Administration

Before partition, the State of Kashmir and Jammu was one of the Native States of India, under the suzerainty of the British. When the state was handed over to the Maharaja in 1885, the whole administration was entrusted to him, and he was aided by only two ministers. In 1887, he was relieved of it and the British Resident of Kashmir and Jammu was placed in charge. A council, consisting of His Highness' brother and two other officials from the British service was formed. In 1891, the Maharaja himself became the President of the Council which was abolished later and the whole State was brought under him and his three ministers of Revenue, Judicial and Home departments. These departmental heads were generally British officers lent to the Durbar.

The four executive officers were the Governor of Kashmir, the

Governor of Jammu, the Wazir Wazarat of Gilgit and the Wazir Wazarat of Ladakh. Jammu Province was sub-divided into five districts, each of which was administered by a Wazir Wazarat, who delegated authority to Tahsildars under him. Because of the slight communication between areas, these Tahsildars virtually ruled little "kingdoms" -- which meant, basically, that they exploited the opportunity to take a heavy percentage in tax-collections. In the many isolated villages of the hill-areas, seldom if ever visited by authorities from outside, the Tahsildars were all-powerful and merciless in their oppression of the peasants.

Since the end of October 1947 there has been a dual control exercised in the State, which has completely upset administration along the line described in the pattern of the previous century. The official political divisions have been cut across by the United Nations Cease-Fire Line, separating the State into two regions which have only slight semblance to former political divisions and sub-divisions. Formerly there were three main divisions in the administration of the State:

- (a) Jammu Province, which included the southern plains and the sub-mountainous region, and consisted of the districts of Jammu, Kathua, Udhampur, Riasi, Mirpur, and the Jagirs of Poonch and Chenani;
- (b) Kashmir Province, which included the Jhelum Valley and the valleys draining into the Kishenganga and the Liddar Rivers, and consisted of the districts of Anantnag, Baramula and Muzaffarabad;
- (c) The Frontier Illaqa, comprised of the frontier districts of Ladakh, Skardu, Kargil, Zaskar and the Gilgit Agency.

Now the State is divided -- temporarily -- into the two areas of occupation: that held by the armed forces of India, consisting mainly of Jammu and the Jhelum Valley; and Azad-Kashmir, the remainder of the State, more or less under the control of Pakistan.

The Dispute

Unlike the dispute over the accession of the State of Junagadh, when India took aggressive exception to a Muslim ruler handing over to Pakistan a population which was 80 per cent Hindu; unlike the case of Hyderabad, when India took aggressive exception to the Nizam's wish to keep his State independent of both Dominions; the dispute between India and Pakistan over the accession of Kashmir has its roots very much deeper in the past. In each of the first two cases, the communal element was a strong factor, the basic factor, allowed for in the principles attached to The Instrument of Accession. This factor is very much present in the dispute over Kashmir, but, fundamentally, the cause lies in the mal-administration of the State during the century preceding Partition, and in the oppression of the Kashmiri peoples in the centuries before that. The brief factual description of the administration already outlined gives no idea of how the people of Kashmir actually were treated by their governors. This should be examined now.

The independent State of Jammu and Kashmir was the largest, and one of the most populous, of the 562 principalities which dotted the map of the Indian sub-continent prior to the partition of India in 1947. It comprised an area of 84,471 square miles, which is about one-third of that of Alberta, or one-fourth of that of Ontario. ⁴⁰ In 1951 its population was 4,382,680. ⁴¹ Like most of the princely states, Kashmir was characterized by absolute autocracy in its internal affairs and a predominantly agrarian economy, with a high concentration of land ownership. In common with all of these states, it had a constitutional status, encompassed in the doctrine of paramountcy, which acknowledged British suzerainty in all matters pertaining to defence, foreign affairs and communications, in exchange for a large measure of

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40. Vide, Appendices 'L', 'M' and 'N'.

41. Times of India, Bombay, 29 July 1952.

internal autonomy.

Situated at the apex of the Indo-Pakistan sub-continent, Kashmir derives considerable importance from its geographical contiguity to the principal states of Central Asia, from the fact that the frontiers of Pakistan, Afghanistan, the Soviet Union, and China meet in the vicinity of Kashmir's north^{er}most border. Whether the northern frontier of Kashmir represents the actual point of convergence of these central Asian states, or whether "... Kashmir loses track of even its own boundary lines in the wildness of the snow-filled Himalayas....", ^{42/} does not detract from the significance of its geographical position.

According to the 1941 census, Kashmir had a population of which 77 per cent was Muslim, approximately 20 per cent was Hindu, 1.5 per cent was Sikh and 1 per cent Buddhist. ^{43/} These figures, in themselves, however, are incomplete, for they fail to convey the demographic realities which can only be understood by some reference to the administrative and geographical divisions of the state.

Administratively, the state may be divided into five provinces, Jammu, Kashmir, Ladakh, Baltistan and Gilgit. In Jammu the Muslims comprised a majority of 53 per cent on the eve of the Partition. However, as a result of the migrations and the slaughter set in motion by the devastating communal riots in the Punjab throughout the latter half of 1947, the Hindus and Sikhs are now in a majority. ^{44/} Although statistics on these migrations (and the

42. Margaret Bourke-White, Halfway to Freedom, Simon & Schuster, New York, 1949, p.195.

43. His Highness' Government, Jammu and Kashmir, A Handbook of Jammu and Kashmir State, 3rd edition, Jammu, 1947, pp.1-3.

44. This statement is made on the basis of this writer's own observations on the ground in 1949-50.

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killings) from and to Jammu Province are not available -- and it is doubtful whether reliable figures will ever be forthcoming -- there can be little doubt that it is now a decidedly Hindu and Sikh majority area. In addition to the exodus of Muslims to Pakistan, and the corresponding influx of Hindus and Sikhs, the districts of Poonch and Mirpur, which are almost entirely Muslim, have been severed from their political and administrative connection to Jammu Province. They are now a part of the territory of Azad-Kashmir. ⁴⁵✓

In the Kashmir Valley, Muslims form well over ninety per cent of the population, the vast majority of whose forebears were converts from Hinduism during the centuries of Mohammedan rule. ⁴⁶✓ In the frontier provinces of Gilgit, Baltistan, and the western part of Ladakh, Muslims form an overwhelming majority; but in the eastern part of Ladakh, Buddhism is predominant.

These religious divisions are accentuated by ethnic and cultural differences in this polyglot State. Thus, for example, both Ladakhi Buddhists and Muslims are of Mongolian stock, while the Muslims of Gilgit and Kashmir, as well as the people of Jammu, are descended from the Indo-Aryans.

The cultural differentiation is reflected by the affinities of the people of Jammu to the culture of east Punjab, and by those of Ladakh, whether Muslim or Buddhist, to the culture of Tibet. Further, the State of Jammu and Kashmir is multilingual, including Kashmiri, Dogri, Punjabi, Gojri and Pahari, as well as Bodhi in Ladakh and Shinh in Gilgit ⁴⁷✓. The Gilgiti tribesmen,

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45. Azad, or Free, Kashmir is that part of the State -- west, north-west and north -- bordering upon Pakistan, which is controlled by those of the population who favour accession of the State to Pakistan.

46. Encyclopedia Britannica, 11th ed., Vol.XV, p.688, states:
"The majority of the inhabitants of Kashmir are professedly Mahomedans, but their conversion (from Hinduism) to the faith of Islam is comparatively recent, and they are still strongly influenced by their ancient superstitions...."

47. Brecher, op.cit., p.4.

leading a nomadic existence between the mountain fastnesses bordering upon Chinese Turkestan, Sinkiang, in the north, and the plains of west Punjab in the south, reflect elements of both cultures.

This complex configuration was acutely summarized by Sir Owen Dixon, the United Nations Mediator, in his report to the Security Council in September 1950: "... The State of Jammu and Kashmir is not really a unit geographically, demographically or economically. It is an agglomeration of territories brought under the political power of one Maharaja. That is the unity it possesses...." ^{48/}

Speaking in the Indian Parliament in July 1952, Shri Jawaharlal Nehru had the following to say about the geography of Kashmir:

"... The State of Jammu and Kashmir for long years was a delectable playground for those who could afford it, one of the famous playgrounds of the world, and though the people living there were, for the great part, poverty-stricken, it drew many people from the rest of the world... this Kashmir, which was politically speaking a backwater for these long years, was suddenly thrust into the current of history.... First of all I would like the House just to form a mental picture of the geographical situation. From the southern tip of India Kashmir is just about, or a little over, two thousand miles... Roughly speaking, Kashmir is about a thousand miles from the sea. While a part of India, it is, in fact, the heart of Asia, geographically speaking, and for countless ages great caravans have passed from India right up to Central Asia through this State. It is essentially, and it has been for two thousand years or more, very closely connected with India culturally and politically often enough. It is also connected in various ways with Central Asia. Even now I wonder how many people realize that Kashmir is further north than Tibet...." ^{49/}

What, then, is the background for Mr. Nehru's remark that the inhabitants of this 'delectable playground' are for the great part poverty-stricken? What lies behind the remarks of one writer who said: "... Nationalism in Kashmir is no mere middle class enthusiasm... it sprang from its incredible

48. Reports and Statements of United Nations Mediators, S/1791, 15 September 1950.

49. Government of India White Paper, Statement in regard to Kashmir made by the Prime Minister in the House of the People on 24th July 1952, GIPD-L-591PS, 31 July 1952.
(Emphasis mine).

poverty, squalor, misery and undernourishment...." ? 50

Between the mighty Himalayan ranges of the north and the plains of the Punjab live four million people -- Muslims, Hindus and Buddhists. Ninety-six per cent of these people live in far-flung and isolated villages subsisting on primitive agriculture which yields an average annual income of about Rs 11/- per head. 51 Their entire history is an account of rapacious invaders bearing down upon their beautiful valleys to pillage and oppress, leaving them in dire poverty to till their terraced slopes with laborious patience.

In spite of fertile soil, mineral resources, the unlimited water-supply of its snow-fed rivers, the immense wealth of its vast forests, the matchless skill of its world famous craftsmen, and the bracing climate of Kashmir, its inhabitants have had to trek down to the towns of the Punjab to work as coolies in order to earn enough money to pay land revenue to the feudal administration and interest to the money-lender. Describing the lot of the Kashmir peasant as he saw it as recently as 1946, H.N. Brailsford wrote:

"... His wooden plough dates from the dark ages and his cattle, if he has any, are of such miserable breeds that they are hardly worth the trouble of milking... much of the land is held under feudal tenure by great landlords... most of them are absentees, and the worst of them above the law. The peasants, taxed to the limit of their endurance and subject to an administration that is corrupt from top to bottom, are voteless, and helpless in their ignorance... their undernourishment is obvious...." 52

Many writers have stressed regrettably the fact that Kashmir's history does not befit its loveliness; that, because it has known little prosperity or happiness, its people -- although they have a certain fineness of feature and a gentle sort of beauty -- bear the stamp of a gruelling past.

A substantial number of such writings were collected recently by the

50. F.N. Dhar, "The Kashmir Problem: Political and Economic Background," in the India Quarterly, Vol.VII, No.2, New Delhi, June 1951, pp.143-162.

51. Ibid. (equivalent to \$2.30)

52. H.N. Brailsford, quoted in Bakshi Ghulam Mohammed (ed), Kashmir Today, through Foreign Eyes, Bombay, 1946, p.20.

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Ministry of Information and Broadcasting, Jammu and Kashmir ^{53/}, and it is interesting to note how similar is the theme running through all of them, dating from the Seventeenth Century to today. In justification of this unhappy view, the following few quotations may be apt.

A Frenchman, named Bernier, attached to the Moghul court at the time of the Emperor Aurangzeb, visited Kashmir during the period 1656-68. He described the country in part in these words:

"... it is not indeed without reason that the mogols [sic] call Kachmire [sic] the terrestrial paradise of the Indies, or that Ekbar [sic] was so unremitting in his efforts to wrest the sceptre from the hands of its native Princes...." 54/

In 1774 the Afghans and Pathans broke into this 'paradise' from the north. Of this period the Kashmiri chronicler Hassan said:

"Throughout the reign of Karimdad Khan the entire country remained plunged in absolute misery and fear.... Everybody, high or low, rich or poor, was fleeced of all he possessed... they cut down their fruit trees and sold the wood to meet the demands...."

An Englishman named Forster, in 1783, left a similar description of the plight of the Kashmiri during the Afghan period.

After nearly seventy years of brutal oppression under the Afghani, the impoverished Kashmiri may have thought that relief was at hand when a new conqueror, the Sikh Army, poured into the isolated valley in 1819. But it is still a matter of argument among the Kashmiri as to which rule was the more tyrannous, that of the Afghani or the Sikhs. In 1822, W. Moorcroft (or W. Morecraft -- the spellings differ with different writers) visited the Vale of Kashmir, following a tour of various parts of the Indian plains,

53. Ministry of Information and Broadcasting, Jammu and Kashmir, How They saw Us, How They see Us, Associated Printers Ltd., Bombay, 1952, pp.1-16.

54. Francois Bernier, Travels in the Moghul Empire, 1656-68, Oxford, 1916, quoted in Bakshi, op.cit., pp.400-1.

and part of the sad picture he saw there he painted thus:

"... Everywhere the people are in the most abject condition, exorbitantly taxed by the Sikh Government, and subjected to every kind of extortion and oppression by its officers. The consequences of this system are the gradual depopulation of the country; not more than one-sixteenth of the cultivable land is in cultivation, and the inhabitants, starving at home, are driven in great numbers to the plains of Hindustan...." 55

Meantime, the advancing British power in India had clashed with the Sikhs in the Punjab. At the battle of Sabraon in 1846 the Sikhs were defeated, and, in the subsequent treaty, Kashmir was surrendered to the British as part payment of the war indemnity. The British, in turn, by a clause in the Treaty of Amritsar, gave sovereign rights over all the country and the people of Kashmir to the Dogra Raja Gulab Singh. In consideration of this, Gulab Singh paid to the British Government seventy-five lakhs of rupees. 56 Under the Dogra dynasty thus set up, the heartless corrupt official still stood between the ruler and the crushed peasants. What the latter could expect as his share of the crop under this administration has been described by one writer in these words:

"... When the grain has been trodden out, a division takes place between the farmer and the government: formerly this was an equal one, but the Government... now demands seven-eighths of the produce of the land near the city, and three-fourths of the more remote crops. The straw belongs to the cultivator, and he still bribes the overseer to let him steal his own produce. He is allowed to keep cattle on the mountains during the summer, may cut wood, and bring it into the city for sale, and may also sell wild greens, butter and milk...." 57

Reference was made earlier in this paper to the observations of H.N. Brailsford in 1946. 58 A further quotation supplements the previous one to help in the picturing of how these people lived -- and live today --

55. W. Moorcroft, Travels in the Himalayan Provinces, 1819-1835, Murray, London, quoted in Bakshi, op. cit., pp.160-1.

56. F.N. Dhar, op. cit. (7.5 Million rupees, or about \$1.75 Million.) p.150.

57. Mrs. Murray-Aynsley, Our visit to Kashmir, Hindustan and Ladakh, Allen, London, 1879, quoted in Bakshi, op. cit., p.21.

58. Note 53, page 186.

in conditions altered but little for the better:

"... The peasants are sunk in unimaginable poverty. Their mud huts contain hardly a trace of visible property, save a few pots and water-jars. When I put my questions in a typical village, every household was in debt, and the usual rate of interest was 48 per cent. If a peasant owns his holding, it is rarely big enough to feed his family throughout the year, and he makes up the deficiency by trekking as a seasonal labourer across the mountains to the Punjab. If he has no land, he works as a sharecropper and pays the owner by way of rent, one half of all his produce.... Not a single child went to school. Their undernourishment was obvious at a glance, and the women complained of the total lack of medical care...." 59

There was -- and is -- another aspect of this pathetic life which has loomed as possibly the most terrible of all the peasant's woes in Kashmir. This is the Begar system, an imposition which considered him as a beast of burden. Sir Walter Lawrence made a special study of this system of forced labour in 1887. What he reported then this writer found little changed in his own observations during 1949-1950.. Sir Walter remarked:

"... A man could sometimes hide his grain in secret pits and could save enough food to keep him and his children alive till the fruits and vegetable came, but it was more difficult to hide himself when the officials were on the lookout for human carriage... the Kashmir press-gang would watch and wait if a reluctant villager fled to the mountains...." 60

This system of human pack-animals was organized so that the baggage and rations of the garrisons up in the freezing mountains of Gilgit could be maintained, Whole villages were emptied of men, the rice crops which require constant care and attention were left to rot, and the forced labourers died by hundreds of exposure and frostbite.

This writer made a march of thirty miles across the Naista Chan Pass, 11,500 feet, between Tithwal in the Khagan Valley and Baramula in the Kashmir Valley, when the snow was thirty-five feet deep under a trodden track only a foot wide. During a forced night-trek three of the coolies, overloaded with

59. Quoted in Bakshi, op.cit.

60. Sir Walter Lawrence, The Valley of Kashmir, Frowde, London, 1895, quoted in Bakshi, op.cit.

THE HISTORY OF THE CITY OF BOSTON

From the first settlement of the city, the history of the city of Boston is a history of the growth of a great city. The city was founded in 1630, and from that time to the present has been a center of commerce and industry. The city has grown from a small fishing village to a great metropolis, and its history is a story of the struggle for freedom and the triumph of the people.

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supplies, slipped off the path and disappeared; another died of exposure. Undernourished for this sort of work, they were completely exhausted. It transpired later that two of the men lost were grandfathers who had substituted themselves for sons needed in their village for the heavier work! Even in 1950, when this occurred, their masters of the Indian Army paid the survivors no more than a pittance, and forced them to beg for what little that was!

In contrast, in some respects, to the dreary form of the quotations presented up to this point it may be interesting to note the remarks made by the Foreign Editor of a London newspaper after a visit to the Kashmir Valley in 1946, where he had undertaken a survey of the turbulent political conditions:

"... Kashmir is advanced in some respects and backward in others. The literacy rate is less than six per cent.... Kashmir is rich not only in unmatchable natural resources -- timber, water, power, silk, wool, fruit, fish, cattle, a productive soil in the valleys, and mineral and chemical deposits in the hills -- but also in the inborn artistic genius and skill of craftsmanship of the people. Nowhere in the world is more exquisite woodwork, embroidery, papier-mâché, brass and copper work produced, the whole process of design, execution and sale being the work of one man... With resources such as these Kashmir should be one of the most prosperous and contented provinces in the world and its craftsmen the most highly paid. Yet nowhere in this land of abject destitution side by side with excessive riches is contrast more shocking than here... At one end there is the playground of the well-to-do where you can laze in Shikara on a fairy-like lake...amid scenery of breathtaking beauty... and in the old city of Srinagar are the most noisome dens in which stunted children and pallid women are condemned to exist on pay that barely keeps them alive...." 61/

What emerges from all this is that Kashmir has for a thousand years been a perpetual bone of contention between its neighbours or conquerors; that the Kashmiri themselves have had very little to do with it, but have lived and survived under different religions and régimes; and that they are, in consequence, a politically backward and timid people.

Politically backward they may have been, but the men of the south

western reaches of Kashmir, in Poonch, in Mirpur and in Muzaffarabad, driven to desperation by the extent of the Maharaja's oppressive measures, broke into open revolt against his government in August 1947. Poonch, a Jagir or sub-State, remained under the local administration of its own Raja, descended from Dhyani Singh, brother of Gulab Singh of Jammu. In the last few years before 1947 the Maharaja of Kashmir gained more control over Poonch owing to the minority of the Raja of Poonch. The rest of Jammu Province had always been under a Governor at Jammu, almost invariably a Hindu Dogra closely connected with the Maharaja, and was divided into five administrative districts: Mirpur, Jammu and Kathua along the Punjab border, and Udhampur and Riasi in the hills behind. The administration remained very backward compared to that of the adjoining Punjab Province.

For a century the State administration was predominantly Hindu, the Maharaja's kinsmen and others from the Dogra clans living around Jammu, occupying most of the higher civil posts and forming the greater part of the State Forces, though they were only a small proportion of the population even of Jammu Province, and only lived in its south-eastern areas and in no other region of the State. The predominant and privileged position of the Dogras (Hindu Rajputs), and of other Hindus, was protected by several discriminatory laws, as well as by the discrimination in all branches of public and daily life which the Hindu minority's stranglehold on the administration, the town centres and the army, enabled them to exercise.

In the civil and military services as well as in education the State was administered for the benefit of the non-Muslim minority, particularly the Dogras. These latter formed three-quarters of the State Forces.

In 1945, Muslims held only one-third of the higher posts in the State civil services, 248 posts out of 744, though forming more than three-

quarters of the population (77.11 per cent). Education too was primarily for the privileged Hindu minority. Jammu Province Muslims had only 4 per cent literacy.

Hindus were particularly favoured in Jammu Province, where the dominant Dogras lived, and much of the revenues of the whole Province were spent on the Maharaja's winter capital at Jammu and on other Dogra and Hindu centres, though drawn largely from Muslim areas, which had little say in this lopsided administration and received little benefit from its activities. The people of Poonch and Mirpur and other Muslims of Jammu Province had to seek service outside their homeland, in British India, where thousands always enlisted in the armed forces and merchant navy, while, on the other hand Dogras, Gurkhas and Sikhs were brought into the State from outside to swell the number of non-Muslims in the ranks of the State Forces. 62/

On the 14th August, 1947, Pakistan Day was celebrated throughout the State, Pakistan flags were hoisted and resolutions were passed in support of the Muslim Conference's stand regarding the accession of the State to Pakistan. The Maharaja found himself on the horns of a dilemma. His personal inclinations were to accede to India while the overwhelming majority of the population of the State had declared itself in favour of accession to Pakistan. In order, however, to gain time and to lull the suspicions of his Muslim subjects he approached both Pakistan and India for the conclusion of a stand-still agreement. The Pakistan Government accepted the offer and concluded a Stand Still Agreement with the Government of Jammu and Kashmir with effect from 15 August, 1947, but the Government of India did not.

It may be mentioned here that in order to allow the States sufficient

time to negotiate and conclude instruments of accession with either of the Dominion Governments and, in the meantime, to ensure the continuity of administrative arrangements regarding matters of common concern, a provision was made for the ruler of a State to enter into a stand-still agreement with the Dominion Government concerned.

While Pakistan willingly agreed to enter into a stand-still agreement with the States so as to allow them time to negotiate long-term arrangements and conclude fresh agreements with either of the new Dominion Governments, the Government of India insisted that it would enter into a stand-still agreement only with such States as would first sign an Instrument of Accession to India. The object of this policy obviously was to hustle and coerce the rulers of Indian States into signing the Instruments of Accession without allowing them time to consult their people or consider various relevant factors before arriving at a decision regarding accession to one dominion or the other.

The partition of the sub-continent was accompanied by widespread communal riots in the East Punjab and East Punjab States. Millions of Muslims were ruthlessly slaughtered or driven out to Pakistan. In Kapurthala State, where Muslims formed 63 per cent of the population not a single Muslim was left in the course of a few weeks. They were either massacred or pushed out. The population composition of that State was thus changed from a Muslim majority into 100 per cent non-Muslim. Similarly Muslims were exterminated in Patiala, Faridkot, Alwar and Bharatpur States.

The Maharaja of Jammu and Kashmir took a cue from Kapurthala State and decided to follow suit. According to the special correspondent of The Times, London, in Jammu 237,000 Muslims were systematically exterminated, unless they escaped to Pakistan along the border, by all the forces of the Dogra

State headed by the Maharaja in person and aided by Hindus and Sikhs.

In the words of Pandit Prem Nath Bazaz, a prominent Kashmiri leader and President of the Kashmir Democratic Union, "in Poonch, where thousands of demobilised Muslim veterans live, an open armed rebellion broke out against the Maharaja and his administration." The rebellion spread rapidly to the adjoining area of Mirpur where also war veterans lived in large numbers. Instead of realising what he had done, the Maharaja, egged on by Congress leaders and his new counsellors, dispatched the whole of the Dogra army to quell the disturbances, or, as one colonel put it, 'to reconquer the area'. The army perpetrated unheard of atrocities on the people of Poonch. Villages were burnt down and innocent people were massacred. The result was more disturbances in the Valley and chaos in Poonch."

Despite all the savagery and brutality of the Maharaja's forces and the R.S.S. gangs the Poonch revolt gained in momentum and spread like jungle fire.

The Government of Pakistan warned the Maharaja against his policy of organised persecution of Muslims. Many responsible Pakistani leaders, including the Chief Minister of the North-West Frontier Province, who is a Kashmiri, and the rulers of the Frontier States of Chitral, Hunza and Nagar implored the Maharaja to desist from his dangerous venture and pointed out to him the disastrous consequences of his new policy, but all these pleadings and warnings fell on deaf ears.

That being the state of affairs in Kashmir where the ruler at the head of his armed forces and R.S.S. gangs was engaged in the ruthless persecution and genocide of his Muslim subjects, it was not to be wondered at that the sympathy and the sentiments of the Muslim population of Pakistan and the

Tribal Areas should be deeply stirred and aroused.

The Poonch people having started the liberation movement, were able, within a very few days, to rout the Maharaja's forces. His authority over the greater part of Jammu and Kashmir State had been denounced and he himself had been forced to flee from his capital Srinagar, to Jammu.

Sheikh Abdullah was then in jail as a result of his unsuccessful "Quit Kashmir" movement. The trend of public opinion in the State made him worried and restless. He wrote a letter to a friend in Jammu which was published in the Congress Press offering unequivocal support of his party to the Maharaja.

Sheikh Abdullah was not only released but also encouraged and subsidised by the Maharaja's Government to mobilise public opinion in favour of the Maharaja's policy of accession to India. It is significant that Sheikh Abdullah who had been sentenced to a long term of imprisonment on a charge of treason, should have been set at liberty at the height of the agitation against the Maharaja, while leaders of the Muslim Conference who had been imprisoned for the technical offence of violating a ban on public meetings should have been kept in jail indefinitely without trial.

Soon after his release, Sheikh Abdullah went to Delhi. While speaking at an at home given in his honour in Delhi, he said that the troubles in Poonch were because of the unwise policy adopted by the State. The people of Poonch, who suffered under their local ruler, and again, under the Kashmir Durbar, had started a people's movement for the redress of their grievances. It was not communal.

The Kashmir State sent their troops and there was panic in Poonch; but most of the population of Poonch, he explained, were ex-servicemen from

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the Indian Army who had close connection with the people in Jhelum and Rawalpindi. They evacuated their women and children, crossed the frontier, and returned with arms supplied by people willing to help. The present position, Sheikh Abdullah declared, was that the Kashmir State forces had been forced to withdraw in certain areas -- in fact, they had been soundly beaten.

Confronted with a situation he was powerless to control, the Maharaja of Kashmir made his bargain with the Government of India; he agreed to sign the Instrument of Accession with India, and announced that Sheikh Abdullah was to become his minister. In return the Indian Government agreed to send armed forces to assist the Maharaja in quelling the liberation movement. Vallabhbhai Patel, chairman of the Defence Committee in the Government of India, was dispatched to Jammu to complete the formalities. On 26 October he brought back to New Delhi a letter from the Maharaja, addressed to Lord Mountbatten, offering accession of the State to India and requesting armed assistance. This is the "title deed" on which India bases its right to military occupation of Kashmir.

Meantime, on his release from the traitor's dungeon, Sheikh Abdullah did not join the peoples' insurrection, but chose to align himself with the Maharaja against whom he had staged the "Quit Kashmir" movement, who had then had Abdullah jailed, and who was then engaged in systematic efforts for the extermination of his Muslim subjects.

It is interesting to recall that, in his speech to the members of the East India Association in London, 29 June 1948, Lord Mountbatten said:

"In theory any State can remain independent, or join either Dominion, but, in practice there were, of course, geographical compulsions, and it was obviously necessary to consider the composition of the population.... I went up [to Kashmir] personally and saw the Maharaja. I spent four days with him in July 1947, and on every one of those

four days I persisted with the same advice: 'ascertain the will of the people by any means and join whatever Dominion your people wish you to join by 14 August this year.' He did not do that, and what happened can be seen."

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As has been mentioned, the people in Poonch had become desperate and resorted to armed rebellion early in August, after the failure of their "No Tax" Campaign in July 1947. This timing is significant, for the invasion of the Jhelum Valley by tribesmen from the Northwest Frontier Province of Pakistan did not begin until 22 October 1947. India has made much of this invasion of Kashmiri territory by Pakistani nationals, and has endeavoured to show that the Government of Pakistan was responsible for it. In fact, the indications are that the tribesmen from the northwest intervened in Kashmir in support of their fellow Muslims of Poonch and Bagh -- with whom they have strong blood-ties -- who had turned to them for help in their armed attempt to overthrow the Maharaja's Government. When these unorganized groups of "tribesmen" sacked Muzaffarabad, Garhi, Chenari and Baramula, a high percentage of their number were not Pathans from the tribal areas of the Northwest Frontier but were men from the Poonch and Bagh Jagirs who were seeking vengeance for the repression wreaked on their families by the Maharaja's anti-Muslim State forces. In other words, their march up the Valley of the Jhelum was a continuation of the fight they had begun earlier in the summer in Jammu Province, before the Dominion of Pakistan had come into being.

While it is true that there is no foundation for the contention of Maharaja Hari Singh in October 1947, and of the Indian leaders ever since then, that the raiders from the Tribal Areas in Pakistan started the fighting in Kashmir, certainly their adventure was responsible for the seizure of, and occupation of, the Valley of Kashmir and its southern approaches by the armed forces of India. Their rapid approach to within five miles of Srinagar

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forced the frightened Prince to make up his mind to a definite course of action. His ruthless suppression of the Azad-Kashmir movement, which had its roots back in 1931, was not completed by October 1947, but he could postpone action no longer. The extent to which Hari Singh had followed the examples of genocide set by the Sikh States, such as Patiala, Faridkot, and Kapurthala, had so impressed the Poonchi with fear for their future that they determined to fight for their independence from the Dogra rule. The success of the revolt in Poonch inspired the neighbouring areas to follow suit, and it was on the crest of this sporadic, unorganized, yet successful insurrection, that the men from the Tribal Areas of Pakistan swept in to seize a share in the spoils. What caused the Poonchi, the men from Bagh and Muzaffarabad, to carry on their fight is exemplified by the following quotation from The Times, London, 10 October 1948 (published two weeks before the so-called "Tribal Invasion"):

"In the remaining Dogra area, 237,000 Muslims were systematically exterminated (unless they escaped to Pakistan along the border) by the forces of the Dogra State, headed by the Maharaja in person, and aided by Sikhs and Hindus. This elimination of two-thirds of the Muslim population of Jammu Province had entirely changed the present composition of eastern Jammu Province."

The tendency among the few who have written of the origins of the present problem in Kashmir has been to gloss over the importance of the Poonch revolt, and to direct much more attention to the Tribal Invasion. In so doing greater credence is given to the argument presented to the United Nations by the Government of India that the fighting began with an invasion of Kashmir territory by personnel armed and supported by Pakistan. Insufficient attention is given to Pakistan's claim that the trouble really stemmed from an internal revolt by the Maharaja's own subjects against his oppressive rule and his obvious intention to accede Kashmir to India. The only Canadian author who has -- up to the present time -- published a fairly full study of the impasse in Kashmir, has fallen into this trap. He disposes of the significance of

the "Poonch revolt" in four short paragraphs included in the early portion of his study. While he agrees that this event "has been glossed over in virtually all accounts of the origins of the Kashmir dispute" he has only this to say of the revolt itself:

"... it must be noted that when in 1933 proprietary rights were granted to the landholders of the State, Poonch alone was excluded from this fundamental reform. The result during the succeeding years was the existence of widespread and deep-rooted grievances on the part of the Poonchis which found expression in the revolt of August 9, 1947." 64

Continuing, the author says:

"What apparently was a peasant revolt against the feudal control of the Raja of Poonch was exploited by both Pakistan and the Maharaja.... During the next six weeks, both parties hurled charges of unfriendliness against each other, and in the confusion, the basis of the Poonch revolt was completely ignored."

Seven years have passed since those six weeks of confusion, yet little has been said to recall the importance of the revolt in Poonch from the state of being "ignored". The revolt should be recognized as a significant indication of the depth of feelings amongst all the peoples of the State of Jammu and Kashmir in the summer of 1947. The only ones who did not express themselves so forcefully were the down-trodden Kashmiri themselves, the timid people of the Vale.

It is incorrect to claim that the inhabitants of the State did not express any preference for its accession to India or to Pakistan. Although the Maharaja expressly forbade any meetings of five or more persons, the people of many districts flaunted the bann, and courted arrest, by holding huge gatherings for the express purpose of stating the wish for accession to the Dominion of Pakistan. Thus, for example, at Rawalakot, on 21 April 1947, approximately forty thousand men, almost all Muslim ex-Servicemen of the

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British Indian Army from Sudhnuti and Bagh Tehsils of Poonch Jagir, assembled to meet the Maharaja and impress upon him their desire to join Pakistan. This tour by the Prince carried him through Mirpur, Kotli, Poonch, Rawalakot and Naushera during April, and everywhere the Muslim majority stated their demand for accession of the State to Pakistan if and when India was to be partitioned.

In Srinagar, the capital of the State, the Working Committee of the All Jammu and Kashmir Muslim Conference met on 19 July 1947 and resolved that the State must accede to Pakistan in view of its geographical situation, overwhelmingly Muslim population, and many close physical, economic, cultural, racial and linguistic connections with Pakistan. They declared in the same resolution that the Muslims would oppose to the utmost any attempt by the State Government to accede to India. They demanded the release of their leader, Chaudhry Ghulam Abbas, and other political prisoners who had been held incommunicado by the Maharaja for defying the bann on public meetings and the publication of pro-Muslim newspapers and tracts; and they demanded, also, an end to the ill-treatment of the Muslims in Poonch. This meeting was followed in mid-August by a meeting of the Council of the National Conference, at which, of the thirteen members who attended eight were reported to have voted for accession to Pakistan.

On 14 August 1947, Pakistan Day was celebrated throughout the State (in direct contravention of the Maharaja's orders), Pakistan flags were hoisted and resolutions were passed in support of the Muslim Conference's stand regarding the accession of the State to Pakistan.

Earlier in this chapter a portion of a speech made by the Prime Minister of India in July 1952 was quoted in reference to Kashmir's geography.

Part of this statement is re-quoted now to show how the judicious use of a half-truth may seriously becloud an issue -- in this particular case, the geographical, cultural and political affinities between Kashmir and India.

Shri Nehru said, in part:

"... I would like the House just to form a mental picture of the geographical situation.... While a part of India, it [Kashmir] is, in fact, the heart of Asia, geographically speaking, and for countless ages great caravans have passed from India right up to Central Asia through this State. It is essentially, and it has been for two thousand years or more, very closely connected with India culturally and politically often enough."

It must be emphasized that Shri Nehru made these remarks in mid-1952, but the India to which he referred in his address was pre-Partition India, the whole of the area which now includes Pakistan. The "great caravans" which passed from India to Central Asia through Kashmir reached Kashmir, not over the Banihal Pass which they would have to use from the India of today, but by the Baramula or the Pir Panjal passes, both of which open from Kashmir into that part of the former India which now is West Pakistan. The route of the caravans from the areas that are now within India crossed the Punjab plain to the valley of the Jhelum River and followed it up into the Kashmir Valley. Lesser trade was carried into Tibet across lower Ladakh through the Zoji La Pass, but this did not take the route into Kashmir proper. Thus, the close connection between India and Kashmir referred to by India's Prime Minister was, in truth, a reference to the ties between Kashmir and West Pakistan.

The physical affinity between Kashmir and Pakistan which was referred to by the All Jammu and Kashmir Muslim Conference in the resolution of 19 July 1947 is shown by the following points which have been brought out in the foregoing outline of the geography and history of Kashmir and the Kashmiri. The geographical unity of Kashmir and Pakistan is symbolized by the Indus River and its tributaries, running through both States. Some of the correlations between the two, exemplifying their affinities, are:

- (a) the political boundary between Kashmir and Pakistan is approximately 580 miles long;
- (b) the Indus River forms the backbone of these contiguous territories. West Pakistan consists largely of the Indus basin, and Kashmir falls into the upper portion of this physiographic region;
- (c) the Punjab rivers have their sources in Kashmir and flow into western Pakistan. The Himalayan snows form the reservoirs from which Pakistan has to draw its necessary irrigation waters to secure its fertility;
- (d) the sudden change in the orography of the Himalayas at Nanga Parbat, before they settle themselves in the land of western Pakistan, results in Kashmir facing westward with its mouth wide open, looking to Pakistan for support and nourishment;
- (e) with the waters of the rivers from Kashmir comes the rich and fertilizing silt from the mountains, feeding the soils as low as the Punjab and Sind;
- (f) since the river valleys are continuous in both, the thread of human settlement and of historical geography also runs continuously throughout;
- (g) more than 77 per cent of the population of Kashmir is related to that of West Pakistan religiously as well as ethnologically. The influx from the west has naturally been more constant, more powerful, than that from any other direction -- owing only to orography;
- (h) the mineral and other economic resources, and the power potentialities, of Kashmir and West Pakistan are complimentary;
- (i) the lines of communication out of Kashmir run more conveniently into West Pakistan than anywhere else. The Baramula Pass, facing Pakistan, is the only one open throughout the year, and permits traffic without a break;
- (j) for the whole region of the Indus basin there is only one exit by sea, Karachi. In fact, Kashmir becomes the limit of Karachi's hinterland in the northeast.

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There can be little doubt now that, in his own muddle-headed and indecisive way, Hari Singh, Maharaja of Jammu and Kashmir, had no intention whatsoever of giving to the Muslim majority of his subjects any voice in the accession of his State. It is obvious now that the Government of India knew in 1947 that the Maharaja intended to accede to India when his own plans were completed, and the time ripe for the presentation of another fait accompli.

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However, the unexpectedly strong opposition he met in Poonch Jagir, quickly supported by Muzaffarabad, and then increased by the volunteers who came in later from the Tribal Areas of northwest Pakistan, compelled him to play his hand too early -- so early, in fact, that he (with his family and his wealth) fled from his State in disorder and has never returned. When the Indian airborne troops quickly routed the irregular peasant rebel groups, Pakistan saw that it would be necessary to send forces from its Regular Army into western Kashmir to prevent the Indian elements from sweeping through Kashmir up to the border with Pakistan. In this holding role the Pakistanis were completely successful, with the result that India did not obtain the quick and easy decision anticipated.

Unable to achieve the fait accompli, India took the dispute to the Security Council of the United Nations in December 1947, and -- as was described in the previous chapter -- it came up for discussion there in January 1948. Immediately Pakistan made counter-complaints, including other matters in addition to the dispute over Kashmir.

The differing conceptions of India and Pakistan of their status regarding the State of Jammu and Kashmir as summarized by the United Nations Commission for India and Pakistan -- a summary subsequently confirmed by the Mediator, Dr. Frank P. Graham, in successive reports -- are broadly speaking as follows:

India

India considered itself to be in legal possession of the State of Jammu and Kashmir by virtue of the Instrument of Accession of 26 October 1947, signed by the Maharaja of the State and accepted by the then Governor-General of India. India held, therefore, that the assistance which Pakistan rendered to tribesmen who made incursions into the State was a hostile act and that

the entry into the territory of Pakistan troops was an invasion of Indian territory. As a consequence of accession, India's armies were in Kashmir as a matter of right and India controlled the defence, communications and external affairs of the State, whereas Pakistan had no locus standi in Kashmir. Also, as a consequence of accession, India was responsible for the security of the State, and demilitarization must take into account the importance of leaving in the State sufficient Indian and State forces to safeguard its security. A plebiscite in the State would be for the purpose of confirming the accession which was, in all respects, already complete.

India's stand regarding the northern areas and the Azad-Kashmir forces also stemmed from the fact that India was in Kashmir by right and responsible for the security of the State, and that Pakistan could not aspire to an equal footing. In the case of the Azad-Kashmir forces it also held that forces in revolt against the Government of the State must be disbanded and disarmed. India's refusal to discuss with Pakistan or allow it to know the details of withdrawal of the bulk of the Indian forces similarly followed from its insistence that Pakistan was in Kashmir illegally and had no rights there.

Pakistan

Pakistan's position was based on the contention that the accession to India of the State of Jammu and Kashmir was illegal. The State had executed a stand-still agreement with Pakistan on 15 August 1947, which debarred it from entering into negotiation or agreement with any other country. The Maharaja had no authority to execute an instrument of accession in October 1947 because his people had successfully revolted, overthrown his government, and compelled him to flee from the capital. The act of accession was brought about by violence and fraud and, as such, was invalid. The Maharaja's offer of accession had been accepted by the Governor-General of India on condition that, as soon as law and

order had been established, the question of the accession of the State would be decided "by a reference to the people" -- as the Indian constitution did not recognize conditional accession, the accession had no legal validity.

According to Pakistan, the Azad movement was indigenous and spontaneous, the consequence of the Maharaja's misrule, and the tribal incursions were also spontaneous, resulting from reports of cruelties inflicted on the Muslims in Kashmir and the East Punjab. The entry of Pakistani troops was necessary to protect Pakistan territory from invasion by Indian forces, to stem the movement of refugees into Pakistan, and to prevent India from taking possession of the entire State by force.

Pakistan considered itself as having equal rights and status with India, and entitled, as a party to the dispute, to equal consideration. Thus, it considered that the truce should establish a balance of forces between the two parties, and that it should be informed of plans for the withdrawal of the bulk of the Indian forces before signing a truce agreement. It held that the disbanding and disarming of the Azad Kashmir forces should be balanced by a similar disposition of the State forces, or by a further reduction of the Indian forces after the bulk withdrawal. As regards the Northern Areas, it denied India's right to assume there the defence of Kashmir as a result of the established relations between India and the State. 67

Schwarzenberger has summarized the present situation in the dispute in a broad general manner by saying:

"... all that informal discussions within the British Commonwealth and more formal efforts on the level of the United Nations have achieved is the continuance of a precarious truce, accompanied by a trade-war and ruinous re-armament in India and Pakistan. The one vital issue, a free plebiscite, in Kashmir, and partition of the territory in accordance with the results of the plebiscite, has been continuously shelved." 68

67. United Nations, The India-Pakistan Question, Background Paper No.72, 31 December 1952, pp.31-32. (U.N.Document ST/DPI/SER.A/72).

68. Schwarzenberger, op.cit., p.477.

When the Security Council acted on the fifth report by Dr.F.P.Graham and referred the Kashmir problem back to the two countries concerned, it was sincerely hoped that bilateral negotiations between India and Pakistan would result in demilitarization of the occupied regions of the State. Then, and then only, could the United Nations conduct the free and impartial plebiscite called for in the resolutions of 1948-49.

The bilateral negotiations began quite auspiciously but tapered off quickly under two major influences. The first of these was the deposing of Sheikh Abdullah as Premier of Kashmir, and his subsequent arrest, resulting in widespread rioting in the State and further suppression of the Muslims. The second was the announcement of an agreement between Pakistan and the United States of America whereby the latter was to supply military supplies to Pakistan. India took unreasonable exception to this agreement, exaggerating its implications, and stopped all negotiations with Pakistan over the Kashmir issue.

India's attitude on the question of military aid to Pakistan had a serious effect on the position of the military observer group in Kashmir. Speaking on the subject in the House of the People on 1 March 1954, Shri Nehru said, inter alia:

"Recently a new and more friendly atmosphere had been created between India and Pakistan, and by direct negotiation between the two Prime Ministers progress was being made towards the solutions of these problems [confronting India and Pakistan]. That progress has now been checked and fresh difficulties have arisen. Military aid being given by the United States to Pakistan is a form of intervention in these problems which is likely to have more far-reaching results than the previous types of intervention. At the present moment there is a considerable number of American observers attached to the United Nations team on either side of the 'Cease-Fire' line in Jammu and Kashmir State. These American observers can no longer be treated by us as neutrals in this dispute, and hence their presence there appears to us to be improper."

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The first meeting of the committee was held on the 15th of January, 1900, at the residence of Mr. J. H. ... The committee consisted of ... The first meeting was held at the residence of Mr. J. H. ... The committee consisted of ...

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In regard to this statement, the Secretary-General of the United Nations said at a press-conference in New York on 10 March 1954:

"Any United Nations agency, such as the supervisory group in Kashmir, is under United Nations authority and owes its allegiance to the United Nations. As they [the military observers] cannot have a double allegiance, from my point of view it cannot be accepted that they be regarded in the light of their special nationality. If they do their job as agents of the United Nations faithfully and with full recognition of their allegiance to the United Nations, they are, to that extent, de-nationalized...."

Again, on 24 March 1954, when reviewing the attitude of the Indian Government toward the American members of the military observer group in Kashmir, Mr. Dag Hammarskjöld said:

"... when they [observers] take action or pass judgments on behalf of the United Nations they may be considered 'de-nationalized'. There is no contradiction between that and the fact that they have national uniforms, national passports, and so on."

Far more serious in its implications, however, in so far as the Kashmir dispute affects the world situation, was the removal of Sheikh Abdullah from the office of Prime Minister of Kashmir on 9 August 1953. At the same time that he was arrested many of the high government officers, public officials and others of his colleagues, were dismissed and arrested. The reason given for this action was that Abdullah was advocating a free and independent Kashmir which would finally accede to neither India nor Pakistan. The accusation was made, also, that Abdullah was negotiating with the United States of America for intervention in Kashmir affairs. It was certainly true that since 1949 he had voiced dissatisfaction with Kashmir's ties with the Indian Union, and yet was firm in his opposition to accession to Pakistan; he expressed frequently the suggestion that the State would be in a stronger position if it were quite independent. The alleged dealings with "foreign powers" has been proven to be entirely false, but certain groups within the State and in India still continue to press this propaganda issue with powerful effect. Concurrently, the accusation was made throughout the Valley, and in India, by these same groups

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that the military observers of the United Nations Mission in Kashmir had left their posts along the Cease-Fire Line, and were concentrated in and around Srinagar, distributing funds and stirring up the Muslim population to rebel against the new government of the State. ⁷⁰ Needless to say, this was categorically denied, and proven false, by the Chief Military Observer and by the American Ambassador in New Delhi.

As Prime Minister, Abdullah was replaced by Bakshi Ghulam Mohammed, his bullying anti-Muslim Defence Minister and Deputy Premier. Bakshi enjoys a most unsavory reputation for his employment of "police-state" methods to enforce complete submission of Kashmir to India. He has long been considered a "fellow-traveller" with the strong pro-Communist group in the State, and events in the past year have certainly confirmed this opinion.

The Deputy Prime Minister of Kashmir, in Bakshi's cabinet, and president of the all-powerful National Conference, is Khwaja Ghulam Mohammed Sadiq -- an avowed and prominent organizer of the Communist Party. He carries also the portfolio of the Education Ministry. Of the three other ministers and five deputy ministers which comprise the ten-members cabinet of the State, there are four who are equally well-known Communists. Syed Mir Quasim is Minister of Revenue, Durga Prasad Dhar is Minister of Law and Order, and two without portfolios are Lal Girdhari Lal Dogra and Ghulam Rasool Renzoo. The so-called "counter-propaganda" department, even in Sheikh Abdullah's government, has been continuously a virtual monopoly of the communist group under the leadership of the notorious B.P.L.Bedi, whose wife Freda dominates the Text Book Committee which is now revising the curricula of the State's educational institutions.

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70. Press Trust of India report published in Times of India, Bombay, 12 August 1953, quoting a spokesman of the Kashmir Government.

The Jammu and Kashmir National Militia, raised to provide armed support for Abdullah's government in 1947, was organized by Khwaja Ghulam Mohiul-Din Kara, who never concealed his communistic affiliations, and who has installed several known Communists in key positions in this force.

There are now some fifteen prominent Communists in the Central Secretariat, some of them holding posts of secretary and under-secretary in various departments. Others have successfully infiltrated into vital positions in the administration. In the city of Srinagar the communist group, under the direction of Manohar Nath Karihaloo, Rishi Dev and Abdul Rahman Rahat, have gained control of twelve of the thirty Mohalla branches of the National Conference. They have control, also, of the districts of Anantnag and Baramula, and the Tehsils of Kulgam and Badgam.

The Communists -- the whole Soviet circle -- have persistently sought to bring the Kashmir dispute into the focus of East - West conflicts, and have claimed that all difficulties were the result of an Anglo-American plot. They have not ceased to reiterate that the two Western Powers wish to turn Kashmir into a military base against the Soviet Union. This theme has been repeated over and over again -- at every annual meeting of the National Conference, at the "Peace Conference" in Jammu in September 1952, at the "Peace Conference" at Peking in October 1952, and by the representative of the U.S.S.R. at several meetings of the Security Council of the United Nations.

It is with his close knowledge of the facts such as those stated so baldly in the preceding paragraphs, that Josef Korbel draws the following conclusion in his article quoted at the beginning of this chapter: 71/

71. Josef Korbel, "Danger in Kashmir", Foreign Affairs, April 1954, pp.482-90.

"Perhaps the growing knowledge of the gravity of the Kashmir situation may yet convince the parties concerned of the necessity of coming to an agreement. If, however, the bilateral negotiations falter, the United Nations must be ready to assume its responsibilities again and attempt by every possible means to assure the Kashmiri people of their right to decide their own future. But time is running short. For if the problem of Kashmir is not resolved with wisdom and in justice, a shadow may slide over the Himalayas and the Pamirs, engulfing in its darkness even Nehru's colossal experiment in democracy."

It is tempting, of course, to speculate on what may be the outcome of the Kashmir dispute -- as to whether the State of Jammu and Kashmir will be confirmed in the "temporary" accession to India on 26 October 1947, or this be denied by the people of the State in favour of accession to Pakistan, or will the State be partitioned either along the present United Nations Cease-Fire Line or along a line better established by ethnological and religious bases? It is unlikely that Kashmir could successfully remain independent. There is reason to believe that, if Abdullah was a free man he might very well carry a plebiscite throughout the State -- obviously this fact is recognized in both India and Pakistan. He had a high sense of publicity, and is still very popular amongst the peasants. As to how a plebiscite would go today would depend upon whether any opportunity would be given over a long enough period for the Kashmiris to be subjected to equal political and electioneering pressure by both sides before the plebiscite was held. Certainly, the ever-present threat of the Indian occupation forces would have to be removed from the area, and Bakshi's militant policemen would have to be brought under control.

CHAPTER V

A CANADIAN'S EXPERIENCE
IN THE
UNITED NATIONS MILITARY OBSERVER GROUP
IN KASHMIR

The writer of this paper arrived in Srinagar, Kashmir, in September 1949, suffering the ill effects of an anti-Plague inoculation received in New Delhi on the previous day. The sudden change from the temperature of 106 degrees on the plains of Hindustan, which they had left in the morning, to the clear cool breezes of the Vale of Kashmir at noon, made little apparent difference to the miserable condition of the three Canadian officers who had made this trip. Nevertheless, on that first evening, they attended a dinner given in their honour by the Indian liaison officer attached to the United Nations Military Observer Group in Kashmir. Earlier they had attended with him the great water-pageant staged in honour of Shri Jawaharlal Nehru who was then visiting the State of Kashmir. The dinner was in the "Madras" style, the hottest type of highly spiced food available on the sub-continent, and it provided a sudden initiation into the rites of eating with which these Canadians were to become familiar in the next year.

Two days later the writer was driven by a most reckless Rajputana rifleman from Srinagar through the almost level Kashmir Valley to Baramula, and on over the twisting road in the gorge of the Jhelum River to an Indian

brigade headquarters at Uri. Fascinated though he was by the wonderful scenery, the writer had quite made up his mind by this time that henceforth he would do his own driving while the driver assigned to the vehicle could sit idly by. At the United Nations observer post at Uri he reported in and made arrangements for his crossing of the Cease-Fire Line between there and Chakothi later in the day. Another driver, in a most ramshackle jeep, hurled him around the bends and over bridges, with all his baggage bouncing in a trailer behind. All too quickly they reached the Ghurka sentry-post at the eastern end of the bridge at Mile 58, where the Cease-Fire Line crosses the Jhelum River -- far below them in a deep gorge on their right.

On the other side of the bridge was a Lieutenant-Colonel of the United States Army Engineers, waiting with his white jeep for the writer's arrival. Having cleared himself through the Ghurka picket the latter transferred his baggage to the white "U.N." jeep, and, with the colonel driving, started on the second lap of his first trip along the Jhelum Road. Almost immediately a halt was called at the Pakistani picket covering the bridge, then the party was on the way again, through the Pakistani brigade headquarters at Chakothi, through Chenari, Hatian and Garhi, to Domel, near Muzaffarabad the capital of Azad-Kashmir. A considerable part of each of these villages was in ruins, reflecting the senseless looting undertaken by the raiders who came this way in October 1947. The damage done was made the more apparent by the beautiful setting in which each place was established.

The writer was to be stationed at Domel for three months with the American officer mentioned, a Captain in the Norwegian army, and a Pakistani liaison officer. In fact, within the three months, the American colonel

went home and another Canadian major came in, then the Norwegian officer (a cheerful and hard-working companion) was transferred to another observation post. He was relieved by a Belgian captain whose finest accomplishment was in the telling of fantastic stories of his days in the "underground" army. These feats could almost be believed, for he was most successful in disappearing when a call came in which required one of the observers at the post to set out on a long lonely climb into the mountains. The function of the liaison officer attached from the Pakistan army was mainly that of an interpreter, particularly between the observers and the civilian authorities of the Government of Azad-Kashmir which was established in Muzaffarabad, about a mile and a half from the Domel post.

One of the greatest difficulties encountered by the observers in Kashmir, on both sides of the Cease-Fire Line, was in the employment of interpreters. Although very few of the observers learned to speak Urdu well enough to carry on a free conversation with local villagers or herdsman, it did not take long for the majority of them to realize that interpreters tended to translate questions, answers and instructions in the way that the interpreters felt that these should be stated, rather than in the actual manner that they were stated. All too often, also, a simple request asked by an observer would be translated in the form of a hard order which, naturally, evoked anything but the desired cooperation of the native concerned.

At Domel the observation post was established in the Dak-bungalow (a highway Rest House) which consisted of stone and concrete walls, cement floor, and a leaky corrugated tin roof. The building contained a large main room, opening directly off the wide verandah which extended around three sides

of the house, and possessed a huge and inefficient fireplace. Off this room opened the two small bedrooms, each of which had its own small wash-room off it, and opening onto the ends of the verandah. Behind the bungalow was a very small shack in which the bearers prepared tea and light "snacks" when these were required in mid-morning or mid-afternoon, and where the water-boy heated water for baths.

The large room was used for all living purposes except dining, for the observers had their meals in the officers' mess about 300 yards south of their bungalow. The membership of this mess was small, comprising as it did three or four "U.N." observers, three medical officers from the nearby field ambulance, two provost officers, and one officer from the engineer detachment in Muzaffarabad. All the members except the observers were Pakistanis, nearly all of whom went out of their way to try to make the observers feel welcome. As Domel was almost exactly half-way between Rawalpindi and Srinagar it was the staging-point for all observers travelling between the two main points in the observer network; so that the post at Domel often had over-night visitors, while the mess frequently welcomed transient officers travelling between their headquarters and the units up in the hills. Consequently the mess became a centre of information which was most valuable to the observers stationed there.

The observers' bungalow faced westward, set back some 200 feet from the steep left bank of the Jhelum River which roared past 150 feet below. The post was a little less than half a mile south of the confluence of the Kishenganga River, and was faced by hills rising abruptly to 4,000 feet from the narrow valley. Domel was set in a deep cup, surrounded by mountains. The main room of the bungalow served also as the office of the post, and through its

doors passed in the writer's three months there an interesting cross-section of people: the Prime Minister of Pakistan and the Prime Minister of Azad-Kashmir, the Commander-in-Chief and the Chief-of-Staff of the Pakistan Army (both outstanding British officers), petty government officials seeking any channel for their self-advancement, dejected refugees, thieves and assassins, journalists from Great Britain and the United States, over-worked Red Cross personnel, and a broken-hearted mission-school-teacher, and -- most unfortunate of all -- the simple filthy peasants who could not understand the restrictions of the cease-fire regulations.

The bungalow contained only the most necessary furniture. In the office - living-room were two small tables, four wooden straight-back and two wicker basket chairs, a book-case, and a Coleman gasoline-lamp. On the wall was a large-scale map of the area. On the floor was one small cocoanut-fibre mat and a layer of dust. In each of the bed-rooms was a dressing-table and two charpays -- beds made ^{by} plaiting webbing over a frame of wood or iron-pipe. In each of the wash-rooms was a small hand-basin, a water-jug, the greater part of a mirror, and a peculiarly constructed wooden stool in which was set a metal chamber-pot. The taking of a bath was a daily afternoon ritual when the observer was within reach of his post. The water was heated in pails, carefully rationed to two per officer (only because the sweeper had to carry them up, two at a time, from the river), and then poured into a tin laundry-tub on the floor. The bath was simply emptied onto the floor, and the water escaped through a hole in the wall through which the occasional cobra entered the bungalow, and through which there was always a strong cold draught from the wind blowing down the valley.

The only occasion on which the writer recalls this accommodation being over-taxed was one night when, amongst the thirteen overnight guests, there were two female members of the secretariat staff passing through on

their way by road from Rawalpindi to Srinagar. Half of the house, and most of the bedding, had to be handed over to them, while the eleven males fared as well as they could with the remainder. Perhaps the greatest nuisance in this visit was the making of special arrangements for feeding these women, for which the bungalow contained no facilities. The mere presence of women in the house left the native soldier-servants completely at a loss.

Northeast of Domel, some twenty miles over a treacherous jeep-track carved out of a camel-track along the precipitous left bank of the Kishenganga River, was a Pakistani brigade headquarters at Dhanni, at which the fourth member of the Domel observation team was permanently stationed. Some eight miles beyond his post, up the same valley but across the Cease-Fire Line, was an Indian brigade at Tithwal, where another observer was stationed alone. The eight miles were hazardous indeed, and more than one observer has nearly come to grief in making the trip even after the most careful preparations. It was up a precipitous mountain opposite Dhanni that sepoy and Kashmiri labourers dragged a mountain-gun to the top, 7,000 feet above the river, to completely upset an Indian attack down the river.

The observer-post at Uri, already mentioned, was about fifty miles east of Domel along the Jhelum Road. The telephone communication was so difficult along this route, and the passage of signals virtually impossible, that the personnel at Domel found it easier and more dependable to maintain contact with Uri by personal visits. Such trips had to be made quite frequently in order that the two posts might keep fully informed of all that transpired on the two sides of the cease-fire line for which they were mutually responsible.

Southward, the Domel area extended through Bagh, high in the hills, to Rawalakot, meeting the area of the Poonch observer-post across the Line.

To reach Bagh the observer drove south along the Jhelum Valley to Kohala, and then, on a dusty track that climbed 8,000 feet in $13\frac{1}{2}$ miles, crossed the pass into Bagh. On the way he would usually meet caravans of camels, donkeys, mules and humans, all grossly over-loaded, which might easily force his white jeep off the track and down the mountain-side, if he did not exercise the greatest caution -- and stubbornness. The track came to an end many miles before Bagh. From this point the only way on was to drive the jeep into the shallow river and, in lowest gear with four-wheel drive, bounce it up the boulder-strewn river-bed. At a level area, some 1,000 feet below the village of Bagh, the jeep could be parked, and the observer would then climb upward to the village and on up to the military post above.

The post at Domel was responsible for observation of the large military base at Abbottabad. Once the depot of the Frontier Force Rifles, and one of the regimental depots of the Ghurkas, this large town continued to be an important military centre for the Pakistani army. It lay approximately forty miles southeast of Domel, along a road with an excellent surface (except for a few places of perpetual wash-out) but which required considerable driving-skill in negotiating its hills and hundreds of violent hair-pin turns. Further west of Abbottabad the road joins the Northwest Frontier Highway at a point between Taxila (a place of great archaeological interest) and Attock, the gateway to the Tribal Areas (and famous for the fortifications constructed there by Alexander the Great).

Eighty-five miles to the south of Domel, and slightly west, on the plains on the westward side of the Murree Hills, lies Rawalpindi. Here was the General Headquarters of the Pakistan army, and the Chaklala base of the RPAF. Here, too, was an important post of the United Nations Mission in Kashmir.

For the six "winter" months of the year Rawalpindi was the headquarters of the military observer group; for the other six months it was manned by one observer whose duty it was to maintain close liaison with all observers on the Pakistani side of the Cease-Fire Line, and particularly close liaison with the headquarters of the Pakistan Army. It was to the office at Rawalpindi that the observation team at Domel made its weekly reports, and through which the personnel received and sent their mail. The road from Domel through Kohala and Murree to Rawalpindi was excellent, reflecting the engineering supervised by British builders.

The first task allotted to the writer after his arrival at Domel was to tour the whole area, and to identify from the tactical signs painted on the vehicles at all military posts the units and formations in the region. From this an order-of-battle was compiled and compared with that which had been supplied by GHQ, Pakistan. This was time-consuming but not difficult, for both the Indian and Pakistani forces used the same code of signs obtained from the British Army as did the Canadian Army. However it had confused the other officers at Domel who were not familiar with the system.

Then, having made himself superficially familiar with the geography of the region, and having become acclimatized to the extent of overcoming his first attack of the inevitable dysentery, the writer joined the group that was working on the demarcation of the Cease-Fire Line. This was an arduous task, for it involved much travelling under most uncomfortable conditions to wherever there was a local dispute over the exact location of the line. For the greater part the line was established by locating on the ground the points where coordinates were fixed on the map attached to the Karachi Agreement of 29 July 1949 (S/AC.12/TC.4) and fully described within the text of that agreement. Then cairns were built, trees were blazed, or posts erected by line-of-sight between these fixed points. The work was done by small parties of sepoys on the

Pakistani side, or jawans on the Indian side, each party being under the supervision of an officer briefed by the observers.

As an example of the type of trouble that had to be cleared up by an observer in this regard, the following is an outline of the procedure followed by this writer in settling a boundary-dispute in the village of Gari, 7,000 feet up in the hills, about half-way between Uri and Bagh on the Cease-Fire Line. Late one afternoon the post at Domel received a garbled telephone call from the Pakistani brigade headquarters at Bagh alleging a serious violation of the cease-fire at Gari. Early the next morning the writer, from the Canadian Scottish Regiment (Princess Mary's) of Victoria, B.C., and Major F.E.Eaton, Irish Fusiliers of Vancouver, B.C. set out by jeep for Bagh. They carried their sleeping-bags, some food, and jerry-cans of petrol and oil (which the jeep was consuming at an alarming rate). At about three o'clock in the afternoon, following an adventurous trip, they were received most hospitably at Bagh. The intelligence officer at the headquarters there described in detail the information he had received from the outpost overlooking the village of Gari, where there was said to be constant traffic to and fro across the Cease-Fire Line -- because the line ran through the middle of the village! The complaint was that the Indian picket on the opposite side of the valley fired on the village whenever anyone crossed from one side to the other, within the group of houses.

In order to give him time to notify his outposts of the purpose, and then for him to negotiate the mountains intervening between Bagh and Gari, it was agreed that the writer would meet him at Gari at high noon, four days later. The writer elected to approach Gari from Uri, on the other side of the Line, for two reasons. The first was that, in so doing, he could join forces with the observer there who would also have to attend the meeting at Gari along with representatives of the Indian forces in the area. The second reason was

that the trip in would be much easier physically from the Jhelum Valley than over the ^omuntains from Bagh. This route would require only one day, perhaps two days, to cover the seventeen miles in and the same out again, whereas the trip from Bagh would certainly take four days each way, and all rigorous climbing to which the writer was not then accustomed.

Two days later the writer travelled by jeep to Uri, to arrange for the trek into Gari. He held a conference with the local observer -- a Lieutenant-Colonel of the United States Marine Corps, newly arrived, and most unhappy at the prospect of a long climb -- and the staff of the brigade headquarters at Uri. It was arranged that the two observers would meet the intelligence officer and a small armed escorting party four miles west of Uri at one hour before dawn on the following morning. At the appointed time, at the mouth of the large nullah (deep-cut valley) up which, seventeen miles away, was the destination, the rendezvous was made. Here were three mountain-ponies, which the three officers were to ride, complete with the most uncomfortable saddlery this writer has ever seen or had the misfortune to use, and three pony-wallahs to tend to the animals. With them was a party of six wretched looking peasants who were to carry the baggage of sleeping-bags, food, et cetera. With their officer were the intelligence sergeant and four jawans. The whole party looked dejected in the grey light of pre-dawn in the Kashmiri hills.

The little caravan set out in the darkness of the nullah, the ponies with their rather uncertain burdens following the lead of an ancient but sure-footed peasant, and followed by the bearers and the soldiers. A halt was made at about ten o'clock for a mug of hot sweet tea and a smoke, and then the long climb was resumed. At times the track edged its way around the shoulder of a cliff on a ledge so narrow that it seemed too precarious for even the steady little ponies, and the writer found such moments entirely fearsome.

The party reached Gari at about twenty minutes before noon, and set about the preparation of lunch under the inquisitive gaze of the villagers who squatted on the edge of their flat roofs to watch the proceedings. Very few of them had ever been beyond the confines of this valley, and ^{had} a little understanding of ^{why} there were soldiers shooting at one another across this tiny "world". At about half-past twelve a shout announced the approach of the Pakistani officer and his escort of five sepoys, who arrived quite exhausted after their forced march to make the rendezvous. The Sikh and the Muslim officers embraced one another with apparent joy in meeting. They had attended a signal-training school together before the partition of the British Indian Army, and now expressed regrets that the new circumstances found them so bitterly opposed to each other. This affectionate greeting which was always displayed by officers of the two armies, when they were brought together by the observers, never ceased to be a source of wonderment to the observers who knew how viciously they would fight when occasion demanded. The almost sumptuous meals which were served on the ground at all these types of meetings, and the subsequent meetings themselves, were conducted in the finest atmosphere of camaraderie. Yet all present knew that when backs were turned once more the enmity of the two groups would be intense.

After lunching, the whole party went out to make a survey of the Cease-Fire Line, followed at a respectful distance by almost the entire population of the village. In consultation with the headman of Gari and his "council" it was possible to adjust the position of the line a little more equitably, but, in the end, it still ran through a portion of the straggling village. Unfortunately this was a newer part of Gari, lying between the older established huts and the better pastures. Consequently the older families on the Indian side of the Cease-Fire Line were pasturing their herds on the Pakistani side, while the younger members on the Pakistani side were grazing their flocks on the

Indian side. Whenever the latter crossed over to herd their animals they were shot at by the Indian pickets, and several had been taken prisoner. Obviously this worked a hardship on a number of families.

The writer and his colleague from the Uri post, speaking to the village "council" through interpreters, and assisted by the two opposing army officers, tried every means of persuasion in an attempt to have some form of exchange worked out whereby the villagers would graze and tend their sheep and goats, and do their little bits of cultivation, on their own side of the line. All this persuasion was without avail. The villagers were absolutely stubborn in refusing to give way on this issue.

On their return to Uri in the early hours of the next morning, the two observers worked out a plan by which they hoped that a small "de-militarized zone" could be established around the village of Gari. The writer returned to Domel that afternoon, and, on the following morning, drove down to Rawalpindi to discuss the plan with the Chief Military Observer. The latter concurred in the plan and decided to take up the question with the two governments of India and Pakistan. GHQ Pakistan was approached on the matter early in the afternoon, and, within three hours, had received the acceptance of the plan from the Ministry of Kashmir Affairs in Karachi.

Three days later the Chief Observer flew from Rawalpindi to New Delhi, accompanied by the two observers who had devised the plan, and placed the scheme before GHQ India. Some weeks later, after frequent requests for a reply, the Indian Government refused to accept the establishment of a protected area around Gari on the score that it would prejudice the security of the forces in Uri. From then until the writer left the sub-continent there was a continual series of cease-fire violations reported from this unfortunate village.

At Domel the writer was kept busy for the post was responsible for a large area, and there were many alleged violations of the cease-fire to be investigated. Most of these were genuine cases of pickets firing on civilians who strayed too close to the "No Man's Land" on either side of the line. A few were clashes between patrols which often operated at night within the 500 yards forbidden area on each side of the line. These clashes were not usually reported unless members of the patrol concerned were killed or taken prisoner. Occasionally these reports were no more than fabrications based on spite between the two sides. For example, the writer was called out to check on the finding of the bones of a soldier who had been killed on the opposite side of the line and left there to be disposed of by vultures. The bones were those of a dog which had been killed for the deliberate purpose of stirring up trouble in this way. Some cases were caused by soldiery stealing sheep or goats, or abducting female villagers.

Toward the end of his tour of duty at Domel the writer went to Tithwal to relieve the observer who had been isolated there for two months in the depth of winter. At Tithwal, deep in the Kagan Valley, surrounded by mountains of 12,000 feet and more, Major H.S. Moore of the Calgary Highlanders had been snowed in under most difficult conditions. No supplies had reached the brigade in the area for three months, for the Naista Chan Pass (11,500 feet) was under thirty-five feet of snow, and was too treacherous for long caravans of coolies to carry heavy loads over the hills from the Kashmir Valley. Because of their inexperience in winter-warfare, and their refusal to accept the advice of Major Moore in this regard, the Indian troops had squandered their food-stock and had allowed much of it to rot. It was when he reached the limit of his ability to stomach the food provided that Major Moore worked his way out of the Kagan Valley, across the cease-fire zone at Thanda Katha Nullah, to Dhanni and thence by stages to Domel, where he was able to recuperate.

When the writer reached Tithwal he discovered why Major Moore had referred to his quarters as "The Bird-Cage". This was a small shack containing a small bed-sitting-office room, a store-room, and a wash-room. The hut had been built during the previous autumn out of raw green timber so that, after four windy months, the spaces between the shrunken planks were literally more than an inch in width. With the temperature outside close to Zero, there was little point in bothering to shut the door and windows, except to keep out the prowling bears. The writer spent most of his time lying fully clothed inside his bed-roll. Although he had brought in with him a supply of canned food, chocolate bars, and other items obtained from the shops in Rawalpindi (at high cost), he attempted to eat most of the meals provided at the brigade officers' mess. However, he quickly decided to support Moore's complaint about the rigorous living conditions in Tithwal. To keep in condition, more than for any other reason, he made several mountain-climbing expeditions to visit Ghurka and Gharwali regiments sitting out the winter in bunkers high in the hills.

On his return to Domel, the writer was posted to the position of Liaison Officer at Srinagar. Here he established himself in a houseboat with a battery of telephones and a family of servants. The latter looked after him well, and for a reasonable cost -- for this was still winter, and it would be some months before there would be a demand for the boats. There was little activity along the Cease-Fire Line and the Liaison Officer could devote much of his time to maintaining good relationships with the Indian divisional headquarters in Srinagar, and learning the disposition of the forces on this side of the line. There was little communication with the outside world. In this foggy season, aircraft could seldom fly through the passes into the Valley of Kashmir, and the Indian army telephone lines to Jammu were unserviceable for most of the time. However, official and personal mail was passed to and fro

between the "U.N." posts at Srinagar, Uri, Domel and Rawalpindi; and observers from the northern areas who were passing through Srinagar going on, or coming off, Leave, visited the liaison post fairly frequently. It was not until the next summer that the mission established its own high-powered radio network which brought the semi-isolated liaison officers into closer touch. It was during this period that the writer learned about the merchants and mendicants of Srinagar, who looked upon him as a gift from Allah, a target for business in the long cold off-season. Knowing that he had ample time to investigate the way that these people did their business, by fair means and foul, he was able to avoid many of the pit-falls, and later to advise his colleagues accordingly. A great deal has been written about the beautiful workmanship which the artisans of the Vale produce, and almost as much has been written about the methods by which they sell their goods. Consequently the subject will not be pursued in this paper, but it is a fascinating study in itself.

On 1 May the headquarters of the observer group moved from its winter quarters in Rawalpindi to its more pleasant summer location in Srinagar. The writer handed over at Srinagar to the Chief Observer, and then crossed by air to Rawalpindi to establish the liaison post there. This was a busy office indeed, for now activity was resumed along the whole length of the Cease-Fire Line, and at this time in 1950 there was considerable tension between India and Pakistan. The liaison officer at Rawalpindi was chiefly concerned with receiving and consolidating both written and verbal reports from fellow-observers on the Pakistani side of the line, and with acting for the Chief Observer in direct dealings with the Commander-in-Chief of the Pakistan Army. He had little or no time to himself, and no respite during the hot dry season when the temperature sometimes reached 120 degrees, and his concrete bungalow seemed like an oven. But there was one great compensation for being stationed in Rawalpindi -- it was possible to obtain food cooked in the European style,

instead of the interminable supply of greasy, highly-spiced, inferior native diet provided at the outlying posts.

It was while the writer was the Liaison Officer at Rawalpindi that there occurred one of the incidents because of which the United Nations has been able to say that the mere presence of military observers in the area has prevented serious bloodshed in the dispute between India and Pakistan. Several such as the one described below have happened from time to time, and the one quoted is merely representative -- except that, in this particular case, the writer has the advantage of having been present during the events outlined.

In the frontier area where the northeastern horn of West Pakistan thrusts up to the southwestern corner of the State of Jammu and Kashmir, some twelve miles due east of the town of Sialkot, and about twenty miles southwest of the town of Jammu, the boundary between Pakistan and the province of Jammu is very irregular. It winds in frequent and uneven bends across the snake-infested plain, with here and there quite a deep out-thrusting of the border into the neighbouring country. In one of these long narrow "bays" extending the border of Jammu far into the territory of Pakistan there was situated a village of farmers who had, in this season, obtained a valuable crop. The authorities of Jammu were anxious to collect the full apportionment of the year's taxes from the inhabitants of this particular village.

The villagers themselves were unwilling to pay the heavy tax demanded by the government in Jammu -- not because they were averse to the payment of tax, but because they were strongly pro-Pakistan and actively anti-Hindu power. Each time that the tax-collectors approached the village from Jammu they were ~~were~~ fired upon by the Pakistani border guards who maintained a constant patrol along the boundary which lay around and close to three sides of the village.

After two abortive attempts to reach the village, the collectors appealed to the military authorities in Jammu to provide an armed escort. On their next approach to the village they were accompanied by a detachment of approximately fifteen soldiers from a Sikh battalion. This angered the Pakistani border "police", and they pinned down the collectors and their escort with such heavy fire that the latter were unable to approach any closer than a quarter-mile from the village. Emboldened by this, the villagers themselves produced arms and joined the fire-fight in support of the Pakistanis.

When intelligence of this resistance reached the Pakistani brigade headquarters in Sialkot feelings ran high over the use of Sikh soldiers to protect the civilian representatives of the hated Dogra government in Jammu. In retaliation the Pakistanis undertook a highly provocative move. They brought up to the border a battalion of Pathans -- virile, high-spirited tribesmen from the hill-country of the North West Frontier. The writer knows of no two groups of men who hate one another with greater intensity than do the Pathans and the Sikhs. To borrow the words of the Chief Military Observer, "This was dynamite!" On the fourth attempt by the tax-collectors to get into the village, they came with a full company of Sikhs bearing full battle-equipment. While there was no actual contact between the opposing forces in the ensuing fight, there was a heavy exchange of fire. In this the villagers again took a part on the side of the Pakistanis. By this time, feelings were running dangerously high along more than two hundred miles of the Cease-Fire Line, and the politicians in both India and Pakistan were stirring up the fighting spirit in both countries. For a time it appeared very likely that hostilities would break out once more between India and Pakistan. The situation was most delicate. Then the Chief Military Observer of the United Nations Mission in Kashmir (the late Brigadier H.H.Angle, of Kelowna, B.C.) decided to make a bold move to intervene in the affair. From Srinagar he flew to Rawalpindi and started quick action immediately.

While the Chief Observer conferred with the Commander-in-Chief and the Chief of the General Staff of the Pakistan Army, the United Nations Liaison Officer communicated by telephone with all observer posts from Domel southward on the west side of the line, and issued instructions that at least one observer was to leave each post immediately, with his camping equipment, and to travel as quickly as possible to Sialkot where he would report with his white jeep to the Chief Observer. At the same time a message was sent to the post at Jammu instructing that similar orders from the Chief Observer were to be relayed at once to all the posts from Poonch southward on the east side of the line, calling observers into Jammu.

The Commander-in-Chief of the Pakistan Army (General Sir Douglas Gracey) provided a fast car and driver to carry the Chief Observer and the Liaison Officer from Rawalpindi to Sialkot. On arrival there they found that complete orders had been issued to the brigade commander in the area to provide all facilities asked for by the Chief Observer. As quickly as the observers reported in during that afternoon and night they were dispatched to key-points along the line, with instructions to maintain a continuous parade of the white United Nations jeeps to and fro along the line in full view of the entrenched troops. Meanwhile the Chief Observer crossed over to Jammu, instituted the same plan there, and held a conference with the Corps Commander stationed at Jammu. All through that night and the next day the white jeeps travelled the roads and tracks parallelling the border between Jammu and Pakistan. In a sense, they were "showing the U.N. flag". A few random shots were fired in the general direction of one or two of the observers during this ordeal, but on the whole the hours passed quietly enough.

While the observers acted as buffers between the keyed-up opposing forces the Chief Observer travelled to and fro between Sialkot and Jammu until he succeeded in arranging a meeting between the commanders of the two forces.

As a result of that meeting both commanders agreed to withdraw all the additional forces which they had moved up to the border area, and the Pakistani brigadier issued orders to the troops policing the border close to the village that was the cause of the menacing situation. These orders ensured that they would not fire on the tax-collectors when they came to the village in two days time. Further, the Chief Observer obtained from the Indian commander an assurance that retaliatory measures would not be taken against the inhabitants of the village for their armed resistance to the government authorities. Arrangements were made for two observers from the Jammu post to accompany the collectors in the visit to the village, and it was agreed that an observer from the Sialkot post would be present on the Pakistani side of the border to ensure the correct behaviour by troops there. A promise was also secured from the headman of the village that the taxes would be paid without further trouble.

The extensive patrol by all available observers on both sides of the Kashmir - Pakistan border was continued for another twenty-four hours, while the troops were being withdrawn, and then was gradually reduced until the situation was as nearly normal as possible. In about one week's time after the meeting it was decided that the tension had lessened to such a point that the tax-collection could be undertaken. The original plan was carried out exactly as arranged, and without any incident. For some time speakers in the two parliaments of India and Pakistan continued to utter hot and menacing words about this incident, but the danger in the affair had been turned aside, and many people considered that an outbreak of hostilities was averted. It is certain that the decisive action taken by the Chief Military Observer in assuming control of the situation, and the bold use made of the observers and their readily identifiable jeeps, was a determining factor in keeping the peace.

Not long before the beginning of the monsoon, the writer exchanged posts with the Liaison Officer at New Delhi. Here he lived in Sangli Senior Officers' Mess, and had his office in a wing of Faridkot House, the New Delhi residence of the Maharaja of Faridkot State. This was a very different establishment from any of the previous places where he had served. While it was literally palatial, the cost of everyday living was very high. He was dealing constantly with officials of the Indian Government and members of the Diplomatic Corps in New Delhi -- somewhat of a strain upon a rather junior officer representing the United Nations during a particularly delicate phase in the negotiations over the Kashmir issue. It was at this time that Sir Owen Dixon was attempting to mediate in the dispute, and it was just at this time that Brigadier H.H.Angle and six other United Nations personnel were killed in a commercial aircraft flying from New Delhi to Srinagar which exploded over Pathankot under quite extraordinary circumstances. This placed the writer in the interesting position of dealing directly with General Courtney H.Hodges who was the military adviser to Sir Owen. To add to the nervous strain all this involved, the writer lost more than ten pounds of ill-spared weight during the trying period of the monsoon. He was greatly relieved when he returned to normal duties working out of Rawalpindi for the few weeks previous to his return to Canada late in 1950.

Of his fifteen months with the United Nations Military Observer Group in Kashmir, the writer spent only half the period in the cease-fire area. He was not posted into the most northerly and most mountainous region, nor was he posted to the extremely hot and dry area of Jammu. In this he was fortunate for two reasons. First of all, he was spared the full long stretch of time under the hardships and discomforts of living in native quarters, with native food, escaping only for the necessary short leaves, and living with very restricted companionship. Secondly, he was given the opportunity of gaining

a much broader understanding of the background to the "India - Pakistan" question through his contacts at the main headquarters and the seats of government of both India and Pakistan, than was the military observer who served his whole tour of duty on the Cease-Fire Line. He was able to gain some insight into the significance of the other disputes in the India - Pakistan question. That over Kashmir is certainly the major problem, but there are also the questions of Hyderabad, of Junagadh, of the Canal Waters of which India has systematically deprived Pakistan, of the disposition of refugee property, of the transfer of railway and military stores and equipment, and of the balancing of funds between the two countries, and of lesser problems where the duplicity practised between governments is amazing.

Withal, the writer believes that this newly established form of service is more than interesting, it is fascinating. It opens up an entirely new concept of international negotiation and cooperation, and provides a means of broadening the viewpoint of Canadians in a manner greatly needed at the present time. Nevertheless, there are certain criticisms which he feels should be made concerning the administration of the Canadian contribution to this function of the United Nations activities, and which he offers for the improvement of the observer's preparation for his task.

Although he had volunteered for this duty at least six weeks beforehand the writer was given only four days notice of his appointment to the work, and in which time he was to close out his business and domestic affairs in preparation for an absence from Canada for at least one year. He, and the three other officers of the Militia with whom he was to travel, received instructions concerning the inoculations and other medical treatment which was to be undertaken before leaving; a list of equipment to be brought with them to Ottawa, but no proper indication as to what was to be taken by air with them, and what packed for shipment by sea; and there was no information concerning what pay arrangements could be made on behalf of their families left behind.

On arrival in Ottawa these four officers reported to the Army Administrative Unit and were briefed on the clothing and equipment which they would require whilst they were on the Indian Sub-Continent. Arrangements were made for the drawing of such items as they did not already possess and for leaving behind other items which they had brought with them to Ottawa, but which would not be required on this particular tour of duty. Medical arrangements and the arrangements for pay were completed at this time.

Later the four officers visited General Staff (Intelligence) in Army Headquarters and received a "briefing" on the situation in the State of Jammu and Kashmir which had given rise to the dispute between the Dominions of India and Pakistan. This briefing was brief indeed; it was sketchy and appeared to be based on very little knowledge of the situation that really existed.

These future observers then proceeded to the Department of External Affairs to be given a further "briefing" by personnel of the United Nations Division. Here they were met with a reception that discouraged the asking of any question which might have produced information of a more practical value than that with which they were supplied.

In due course they left by air for New Delhi, proceeding via London and Cairo in the shortest possible time. On arrival at Karachi they got in touch with the Office of the High Commissioner for Canada and arrangements were quickly made whereby the staff of this office was of considerable assistance in attending to accommodation in

a very unfamiliar area. At this time they were able to obtain a considerable amount of information on the situation governing the dispute in Kashmir which was brought up-to-date and explained in an impartial manner. On arrival at New Delhi these new observers were not met by anybody who seemed to know anything about their future moves. They therefore communicated with the Office of the High Commissioner for Canada. Although it was very early in the morning, one of the staff drove out to the airport and attended to the clearing of their baggage through the Indian Customs and took them into the City. At the Office of the Canadian High Commissioner it was made very clear to these four Canadian officers (of field rank) that since they were now on loan from Canada to the United Nations, they could no longer be considered as Canadian citizens, but rather as "citizens of the world". Further, it was explained to them that it was not desirable that they make a habit of approaching the Office or the personnel of the Canadian High Commission while they were in New Delhi at any time, as this might compromise Canada's representative with the Government of India.

This position was made clear to all the Canadians who served as military observers on the Sub-Continent from 1949 to 1952 and for the most part, very few of the Canadian personnel, having once reported to Canada's representative, had occasion to return to his office. In view of the welcome always given to officers from other nationalities at their embassies, and of the assistance rendered to them by the representatives of their countries throughout their tour of the Sub-Continent, it is regrettable that the Canadian attitude was one of being ultra-cautious in avoiding any possibility that Canada might be criticized

for interfering in any way with any matters pertaining to the United Nations Commission for India and Pakistan.

From New Delhi the four officers proceeded to Srinagar where they were met by a Canadian officer who was at the time on duty at the Headquarters of the Military Observer Group. It was apparent that the Headquarters had not been expecting the arrival of these officers at this time and they were not prepared to proceed with their disposition. However, within three days each of the four was posted to the area in which he was to work for the next three months.

The serious lack of firm instructions, and the failure to give to new observers a reasonably clear understanding of the dispute, in the settlement of which they were expected to play an important part, was a criticism which held true from 1949 to 1953. The lack of instructions was overcome at the end of 1953 when the United Nations Field Operations Service issued to the delegations of each of the countries providing military observers for Kashmir, a set of instructions which had been compiled by the Secretariat in the area. ✓¹

The information contained in the material issued by the United Nations Field Operations Service during the past year is a great advance over the serious lack of such information with which

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1. Vide Appendix "O" under file FOX/12/53 attached to this paper. This appendix contains a sample of the letter from Field Operations Service to personnel about to be attached to the United Nations Military Observer Group in India and Pakistan together with a folio of information.

personnel started their duties during the previous four years. Nevertheless there are a number of points contained in these instructions which require further clarification in their application to Canadian officers.

In pointing out that passports, with the proper visas, together with an international health certificate, are required throughout the tour of duty on the Sub-Continent, it is recommended that all observers be furnished with a Diplomatic Passport to expedite clearance through the various Customs Offices. In 1949 and the beginning of 1950, Canadian and Belgian officers were the only observers in Kashmir who were not issued with Diplomatic Passports, but carried instead, Official Passports. By June of 1950 the Canadian officers were the only ones who were not issued with Diplomatic Passports, nor have they been up to the present time. It is granted that possession of an Official Passport gives the bearer an advantage over the holder of a regular passport, but it is not nearly as effective in clearing the way as is a diplomatic document. Ordinarily the delays imposed upon their movements by the officiousness of the customs and immigration personnel of India and Pakistan did not bother Canadian officers to any great extent, particularly after a United Nations Liaison Officer was stationed in New Delhi and was able to meet all incoming observers to assist them through the "red tape" of the Port of Entry. However, this failure by the Canadian government to implement the recommendations of the United Nations Field Operations Service caused embarrassment for Canadian personnel when they were travelling with officers of other nationalities. Frequently, when a 'plane load of United Nations personnel arrived at, or departed from, New Delhi on

the circuit between Srinagar in Kashmir and Rawalpindi it was delayed as much as one hour because one Canadian officer was shown on the manifest and he possessed only an Official Passport. This fact would seem to be petty in consequence, but in view of the uncertainty of flying weather, delays imposed by native officialdom could cause great discomfort to everybody travelling by air. This matter was drawn to the attention of their Military Headquarters by a number of Canadian officers after they had served a certain length of time on the Sub-Continent, but no action has been taken as yet to expedite this recommendation.

The brief published by the United Nations Field Operations Service outlines the method of transportation to India and Pakistan and the amount of baggage which may be taken, but it does not explain what clothing and equipment should be carried by the observer and what may safely be left for shipment by sea. For example, an observer may leave Canada in summer weather expecting that on arrival in Kashmir light weight clothing will suffice for the period intervening before his heavy baggage reaches him in approximately three months. It is not explained that on his arrival he may be sent out to an observer post high in the mountains where winter clothing will be essential. In this connection it might be advisable for the Canadian Contingent to maintain at the Observer Group Headquarters a small stock of winter clothing such as spare battle dress and parkas.

In regard to personal weapons, the instructions point out that fire arms are not required in connection with the military observer's

official duties. In Canada the policy has been to inform personnel proceeding to this duty that fire arms will not be taken. The writer knows of no occasion when any observer in Kashmir might have been tempted to use a fire arm for his protection in dealing with any difficult situation in which he may have become involved with native personnel. However, in his own experience and that of several other Canadian officers, the possession of a side arm might have been very useful when suddenly confronted with wild animals and snakes. The writer makes particular reference to the leopards which are occasionally encountered in the hills, and cobra which are encountered not infrequently. In the former case, the means of protection has been for the observer to stand fast until the animal goes away! The same holds true in most cases with snakes, although there have been a few cases where it has been necessary to attack a snake with whatever weapon came to hand, usually a stick. (The observers in Kashmir quickly learned the necessity for carrying a Kud stick). It may be noted here that personnel from other nations serving in the same group usually have their personal weapons with them.

This informative instruction explains the difference between the currencies of the two countries of India and Pakistan and relates these to the currency of countries which are providing the observers to this group. However, it says nothing about the fact that the dispute between the two countries has resulted in a refusal by each country to recognize the currency of the other. Although the observer is advised to establish bank accounts on both sides of the Cease-Fire Line, no explanation for this need is given. Therefore some officers who have thought it unnecessary have not established a source of funds on both sides, with the result that on

their first trip from one side to the other, they have found themselves in an embarrassing position, particularly if there has been no one to whom they could turn for a loan. This has happened on a number of occasions. The instructions state that it is the personal responsibility of the observer to determine the currency regulations. However, further information than this could be supplied for the benefit of the newly-joined observer.

Similarly, although the customs regulations of both countries are quite clearly set forth in their respective Acts, the application of these by the respective authorities can be, and often is, very intricate and confusing to personnel who are not accustomed to dealing with the native officials of the Indian Sub-Continent.

The instructions explain the position taken by the United Nations Field Operations Service in regard to medical and dental treatment while the observer is serving in India or Pakistan or in Kashmir. The locations of hospitals are given, and the regulations governing the extent of treatment and the method of payment for such treatment. However, nothing is said about the difficulties encountered in obtaining suitable treatment of the type to which Canadians are accustomed.

Included in the instructions is a clothing and equipment guide list. This is quite comprehensive and includes a large number of items under three separate headings - (a) those to be brought to the Sub-Continent by the observer, (b) those which may be obtained by local purchase on the Sub-Continent and (c) those which are not essential but are desirable. Under (a), which is the one list with which the observer is most concerned in packing

for his trip away from Canada, there is a considerable number of items which could very well be purchased on the Sub-Continent, where these items are produced in quite as good quality as those purchasable here. It is granted that in many cases the price overseas is more expensive than the price here, but this would be outweighed by the saving in space which could otherwise be used for other items for the comfort of the observer and which cannot be obtained at his destination. Under (c) the majority of items listed are not only non-essential, but would only serve the purpose of loading up the baggage of the observer in his travels on the Sub-Continent. While some of these items might add to his comfort, it is doubtful whether this would compensate for their cost and the amount of room which they take up and the trouble incurred in their upkeep. Such items include evening dress, civilian clothing, sun helmet, riding breeches and boots, kerosene stove and a lamp, et cetera.

One vital matter which has continued to be of concern to each of the Canadian officers who have served on the Mission in Kashmir, is that of pay. Personnel proceeding from Canada on this tour of duty are paid their pay of rank in Canadian funds. On top of this they receive, whilst they are on duty in India or Pakistan, a per diem allowance, which is paid to them by the United Nations to cover their living costs in this foreign land. Although the per diem rate is quoted in American dollars, it is paid in local currency and may be credited to the observer on either side of the Cease Fire Line. In fact the majority of personnel have found it convenient to have the per diem cheque for the first half of the month paid into their account in one country and that for the second half of the month paid into their account in the other country, thus ensuring that they have funds available no matter in which area they may find themselves at any time. This per diem

allowance is sufficient to enable an observer to live in any of the out-lying districts where there is, in fact, nothing on which he can spend money except the cost of his messing and local entertainment. On the other hand officers who are posted to duty at, or near, any of the larger centres, find it very difficult to keep their cost of living within the amount of the per diem allowance. This latter is due largely to the fact that officers of both Indian and Pakistani armies expect personnel of the United Nations Military Observer Group to entertain rather lavishly. In fact in order to maintain himself in the good graces of those with whom he must carry out the function of his duties, it is essential that the observer entertain rather frequently. This became even more important after both the Indian and Pakistani armies placed severe restrictions on the entertainment which might be undertaken in their respective officers' messes. The writer found that whilst he was stationed at different observer posts along the Cease-Fire Line, he was able to save a proportion of the amount granted to him as a per diem allowance, but when he was posted to the appointment of United Nations Liaison Officer, first at General Headquarters of the Pakistani Army in Rawalpindi and then later at General Headquarters of the Indian Army in New Delhi, the essential costs incurred at both places not only absorbed all of his current per diem allowance, but also used up virtually all of his savings. It would seem, therefore, that any Canadian posted to this senior position should be granted some special allowance to cover this additional cost. In the first place American officers posted to such positions were of substantially senior rank, not less than the rank of a full Colonel. Not only did they receive the American rates of pay for that rank, but also they received full regular allowances with, in addition, special allowances in substantial amounts for this special duty.

Canadian officers, on the other hand, had their subsistence allowance ceased on their proceeding to the Sub-Continent. The reason for this was given as the fact that members of the Observer Group were being paid a subsistence allowance by the United Nations. As a matter of fact, Canadian personnel were the only ones amongst all the Nations represented in the Group who had their regular allowances reduced. As a means of comparison, the total income during 1950 of a Canadian Major in Kashmir who was married and separated from his family, was almost identical with that of a single American Captain on the same duty. With a Canadian Major undertaking the same function and the same commitments as an American full Colonel, it is obvious that the former would find it difficult to meet the standard of social obligations established by the latter.

In this last respect nothing has been told to Canadian personnel proceeding to the Sub-Continent of the quite considerable social obligations which are associated with the duty of a military observer in that area. His duties require him, as mentioned, to undertake a considerable amount of entertainment and if this is not done he may quite easily find himself out of touch with a valuable source of information for his function as an observer. This also points up a serious complaint which has been raised time and again by nearly all Canadian officers in this region. In spite of many requests made, no arrangements have been made for Canadians to receive cigarettes, liquor or parcels of food from Canadian sources. Local cigarettes are not only very expensive, but are quite distasteful to the average Canadian palate. Most brands of liquor may be obtained on a very restricted quota and at very high cost on both sides of the line. Because of the inadequate diet, for which only some Canadian officers develop a taste, it has been

found essential that additional food be obtained. Up to the present time these and similar items have been obtained by Canadian officers through the generosity of the American officers attached to the Mission. By means of the Military Air Transport Service operated by the United States Air Force, items obtainable at the Post Exchange at Clarke Field in the Phillipines, are supplied to American personnel in Kashmir. Up to the present time these items have been obtained in sufficient quantity that officers of Canadian and other nationalities have been enabled to purchase a certain amount to fill this need. At the present time it is almost certain that the American commitment in the United Nations Military Observer Group in Kashmir is to be withdrawn. This is due to the fact that the Government of India has protested against American personnel continuing to serve in this duty as long as the United States Government is supplying military aid to the Government of Pakistan. ^{2/} As soon as the Americans withdraw from the area this source of supplies will cease to function. On a number of occasions requests were made to the Canadian High Commissioner in New Delhi for permission to obtain cigarettes and food parcels through diplomatic channels, but this was refused and no arrangements have been made in this regard.

During June 1950 another incident occurred which pointed up the difficulty encountered by Canadian observers in their relationship with Canadian representatives in India. At that time, due to a serious increase in tension between the two armies facing one another across the Cease-Fire Line in the Jammu - Sialkot region, there was every indication that fighting

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2. Government of India, Daily Indigram No 41/54, Ottawa, 2 March 1954, quoting a speech by the Prime Minister of India in the House of the People, New Delhi, 1 March 1954.

on a large scale would be resumed between India and Pakistan. Complete plans were drawn up by the staff of the Military Attache for the United States in New Delhi providing for the evacuation of all American personnel from the area of conflict immediately fighting might break out. This entailed the use of the aircraft which was on loan from the United States Air Force to the United Nations Mission in Kashmir. As the removal of American personnel and all their equipment would have completely filled the aircraft, it was not possible for personnel of other nationalities to rely on the same means of escape. This matter was discussed at the Office of the Canadian High Commissioner in New Delhi but his answer was that, as long as Canadian officers were attached from Canada to the United Nations Commission, it would be the responsibility of the United Nations to provide for any movement of them. It would not be possible for Canada to undertake any responsibility in this regard! It was the feeling of the officers concerned that this attitude left them with very little protection. Further this seemed strange in view of the fact that each of the Canadian observers was carrying an Official Passport whilst he was serving with the United Nations Group. It is true that the observer is left in a peculiar position in this regard as has been explained by the Secretary-General of the United Nations in a press statement made at United Nations Headquarters on 10 March 1954, in regard to the position of American observers following the Indian protest referred to above. ³ Nevertheless it was obvious to all concerned that

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3. Mr. Dag Hammarskold at a press conference at United Nations Headquarters, 10 March 1954, stated that: "United Nations observers do not have a double allegiance. If they do their job as agents of the United Nations faithfully and with full recognition of their allegiance to the United Nations, they are to that extent denationalised. From my point of view the question of nationality does not arise. In that sense they are neutral because they represent the United Nations."

without direct reference to the diplomatic representative of Canada, Canadian observers would have been very much on their own, if anything happened requiring their quick removal from the area.

A final criticism in the line of the experience of Canadian observers rests on the fact that very few personnel, on their return from the Indian Sub-Continent after a year or more spent on this special duty, have been asked by either their Military Headquarters or the Department of External Affairs to explain what has been happening in the Kashmir dispute. It is obvious that the occasional press reports which are published following events of special note, and which occur from time to time in relation to this dispute, are naturally prejudiced in favour of one side or the other. It is difficult, therefore, to obtain a first-hand report either on the background of the dispute or its current happenings. It would seem to be very easy to obtain this information from the observers who return to Canada from time to time, particularly since not less than 65 percent of them return through Eastern Canada and could easily be asked to stop over briefly in Ottawa. The number of returning observers who have been "de-briefed", either at Army Headquarters or the Department of External Affairs, is remarkably small. During the course of his research for this study, the writer has met only one and has heard of one other. This fact is remarkable when it is recognized that observers have submitted to their Headquarters, in writing, complaints on the paucity of accurate information which has been given to them before their departure on this duty.

Mention was made earlier in this paper of the fairly generous leave policy whereby observers in Kashmir are enabled to undertake extensive

visits to other parts of the Sub-Continent. For example during his stay of sixteen months on the Sub-Continent, the writer, in company with other observers and United Nations personnel, was enabled to travel from Kabul in Afghanistan to Colombo in Ceylon and from Karachi and Bombay in the West to Calcutta in the East. Such trips on leave are undertaken entirely on the responsibility of the individuals concerned, but these could be arranged more interestingly and with more valuable use of time if information could be made available to the Observer Group through its Headquarters on what points of interest could most readily be seen.

On the positive side, the experience of Canadian military observers in Kashmir has shown that personnel from the armed forces of the Commonwealth have performed their function in this region with a greater measure of success than the observers of other nationalities. This has been mentioned earlier and the reason given that this is largely due to the fact that, first of all, Canadians wear the same uniforms as those worn by personnel of the Indian and Pakistani forces, wear similar badges of rank and speak the language peculiar to forces which have a British tradition. This contact was found to be of great value on both sides of the Cease-Fire Line. More specifically the writer and other Canadians found that, on many occasions, attempts made by observers of other nationalities to settle minor disputes on the site of the alleged violation sometimes were not concluded until a Canadian observer was called in. The writer is informed that more recently, since Australian and New Zealand personnel have been included in the Observer Group, they have met the same fact.

There is no doubt that the forty Canadian officers who have served

on this duty have benefitted substantially from their contact with military personnel, not only of India and Pakistan, but also of the other nationalities with whom they have been working. Even though the majority of Canadians, who have been appointed to this duty, have been drawn from the Militia (the Reserve Forces of Canada) because of the other commitments of the Regular Forces, this experience may well be of great advantage to Canada in her other military commitments.

Another factor of importance is one that is idealistic, but a large number of personal reports indicate its truth; this is the fact that the direct and personal relationships between the United Nations observers and the officers of the Indian and Pakistani armies with whom they are in daily contact, provide a means for them to act in a minor way as "ambassadors" of Canada. As mentioned earlier, this factor should be given considerable weight in the selection of personnel for attachment to the Military Observer Group. Canadian experience in the Kashmir Mission has generally been happy and has redounded to the benefit of all. Although it is a special form of duty, it is one which will continue and may well improve relationships between Canada and these distant parts of the Commonwealth.

C O N C L U S I O N

In Indonesia, in the Balkans, in Palestine, in Korea and in Kashmir, military personnel of several nations have served as observers with the various commissions established by the United Nations in attempts to settle peacefully disputes between nations. Some of these commissions have been successful, some only partially so, one has failed. In Indonesia, the Commission of Investigation accomplished its purpose fairly quickly in comparison with most; in obtaining a cessation of hostilities between the Dutch and the native forces, and in supervising its terms it acknowledged the assistance of the observer teams.

In the Balkans the Commission on Greek Frontier Incidents found that it could not carry out its functions satisfactorily without the help of observation teams, and, when it finally departed from the area -- with its task virtually completed -- it left behind a small military observer group to end its supervisory work. Greece and her three "bad neighbours" each stated that the presence of the observers had reduced border incidents to a minimum, and that they were ultimately responsible for attaining the relatively quiet situation in the Balkans today. This amounts to praise when it is recalled that Albania, Bulgaria and Yugoslavia each protested vigorously against the legality of the establishment of an observer group at their borders.

In Palestine, three Commissions and two Mediators have failed to obtain a settlement of the vicious dispute still flourishing over the future

government of that region. But an observer group has been there continuously since 1948, and it is recognized that this fact, as much as any other, is responsible for bloodshed being kept as low as it is.

In Korea the United Nations Commission failed utterly to achieve its purpose, but this can hardly be blamed on the body itself. The circumstances of its establishment and the impossibility of its carrying out its terms of reference mitigated against it. Here, too, the military observers were only partially successful, due again to their being unable to undertake proper duties and to their being definitely mis-employed.

In Kashmir the Commission, followed by three successive Mediators, did not accomplish all of the task. The Commission obtained ratification of the Cease-Fire which had been arranged previously between the respective Commanders-in-Chief of the armies of India and Pakistan, and the Mediators, in turn, succeeded in bringing the two governments closer together in the slow march toward the holding of a plebiscite in Kashmir, but today the two countries are no further advanced in this matter than they were eighteen months ago. In the meantime, the military observers in the area have been partially successful in attaining a closer understanding between the local military commanders on opposing sides of the Cease-Fire Line, and have been particularly successful in preventing a renewed outbreak of hostilities, in keeping to a minimum the inevitable violations of the Cease-Fire Line, and, above all, in the prevention of bloodshed. In this they have served well the cause of Peace.

Now Canada, with India and Poland -- outside the United Nations -- is hopeful of establishing an even better record with its part in and with the three International Commissions in Indochina.

Six years only have elapsed since the United Nations Organization first attached Military Field Observers to one of the commissions set up by it to investigate the causes of international friction in a particular area; to arrange the terms of a cease-fire, obtain agreement on a truce, and to supervise the implementation of those terms; and to assist the conflicting parties in reaching a satisfactory settlement of their differences.

In these years the members of the commissions in various parts of the world discovered that to investigate the majority of strictly military questions -- and always, of course, in the case of a complaint involving an alleged violation of the cease-fire -- it became necessary for them to travel from their headquarters where they wished to devote all their time to keeping contact with the governments and authorities, up to the forward ares of military conflict. These were often difficult of access, and sometimes it was not possible to bring together the parties in order to reach a local settlement. Consequently in these cases, military questions were, more often than not, left uninvestigated, unsettled.

The accumulation of a number of these little incidents built up in the minds of the peoples concerned -- the people whose relatives were being killed or wounded, whose crops were being destroyed, houses burned, cattle stolen, and whose means of livelihood were being denied to them -- a natural intensity of feeling that made it extremely difficult to control their demands for retaliation. Yet, if truce commissions are to implement the purposes of their being, the peoples near frontiers of active dispute must be controlled. To do so required that the incidents which occur so frequently along a cease-fire line must be investigated and settled on the ground. It was not possible for commission-members to undertake these tasks in addition to their political functions if both were to be done properly.

The valuable results obtained through investigations carried out by military observers, using military methods of supervising in the forward sectors the implementation of the resolutions of the commissions concerned, have justified fully the first suggestions that this type of field observation be employed. Now that the employment of military observers in association with commissions of pacific settlement of international disputes has become accepted as a necessary part of the methods used, it may be recognized that an even more efficient function could be carried out by personnel loaned to the United Nations for this duty if they were given a short intensive period of special training for the responsibilities entailed.

Obviously these statements imply a criticism of the selection of observer-personnel as it has been carried out during these few years in which their employment has been tested. All reports seem to indicate that Canada has been fortunate in this particular respect. In proportion to the size of its armed forces, and to their heavy commitments elsewhere, Canada has loaned to the United Nations a number of officers who have not failed to gain respect for the effectiveness of their work, for themselves personally, and, thereby, for the country they have represented.

The truth of such conclusions may well be exemplified by quoting from an article received at the time of writing this study:

"For the first time in more than six and a half years, the frontier areas of Greece are without United Nations military observers, a development made possible by the recent trend of Greece's relations with Albania and Bulgaria. Greece... has praised their valuable services 'both to Greece and to the overall cause of peace' and has appreciatively commended the observers' 'untiring efforts and devotion to duty'." ✓ 1

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1. "The Balkan Observers: A Mission Completed", United Nations Review, Vol. One, No. 2, August 1954, p. 17.

The use of military observers as a possibility for further developing the preventive power of collective security under the United Nations was emphasized by the first Secretary-General of that organization in words which were quoted earlier in this paper, but which bear repeating:

"I believe", he said, "that this system of military observers should be used more widely. The presence of such observers, representing the world community of nations, is a strong deterrent to any government tempted to send military forces, either openly or under cover, across a national boundary. Furthermore, the United Nations can thereby be provided promptly with the facts by its own representatives and the guilty party be more readily determined. It seems to me that the Member Governments would be wise to send United Nations observers to any area where there is fear that aggression or illegal intervention may occur." 2/

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2. Trygve Lie, an address to the World Veterans Association, 14 April 1953, quoted in United Nations Bulletin, Vol.XIV, No.12, 15 June 1953, p.438. Referred to previously on p.134 of this paper.

A P P E N D I C E S

<u>Appendix</u>	<u>Subject</u>
A	The Charter of the United Nations: Preamble and Chapter I.
B	The Charter of the United Nations: Chapter VI and part of Chapter VII.
C	Officers of the Canadian Armed Services who have served as United Nations Military Observers.
D	Report of Field Trips carried out by United Nations Field Observers along the 38th Parallel in Korea.
E	Answers by the Chief-of-Staff, Palestine Truce Commission, to questions in the Security Council relating to Observers.
F	Sketch-map of the State of Jammu and Kashmir.
G	Official map <u>Hind 1080, Kashmir Sheet, Southern Asia Series, 1:2,000,000</u> -- modified to show the United Nations Cease-Fire Line.
H	Physiographic Diagram of the Indian sub-continent, after Lobeck.
I	Diagrammatic section across the Western Himalayas, after Pithawalla.
J	Diagrammatic section of the Kashmiri Himalayas, after Spate.
K	Diagrammatic plan of the Kashmiri Himalayas, after Spate.
L	Outline map of the Indian sub-continent superimposed on one of Canada (after Alber's conical projection equal areas) to demonstrate comparative areas.
M	Outline map of the State of Jammu and Kashmir superimposed on one of Western Canada, as in Appendix 'L'.
N	Outline map of the State of Jammu and Kashmir superimposed on one of part of Ontario and Quebec, as in Appendix 'L'.
O	Letter and Joining Instructions prepared by the United Nations Field Operations Service for the information of military observers proceeding to India and Pakistan.

THE CHARTER OF THE UNITED NATIONS

Part of the PREAMBLE

We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

and for these ends to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

have resolved to combine our efforts to accomplish these aims

Part of CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end, to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

THE CHARTER OF THE UNITED NATIONS

Chapter VI
PACIFIC SETTLEMENT OF DISPUTESArticle 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A State which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties, with a view to a pacific settlement of the dispute.

Chapter VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE AND ACTS OF AGGRESSIONArticle 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Articles 41-51

OFFICERS OF THE CANADIAN ARMED SERVICES
WHO HAVE SERVED AS
UNITED NATIONS MILITARY OBSERVERS..
1 January 1949 - 30 June 1954

KASHMIR (India & Pakistan)

Number	Rank	Name	Corps	Dates employed
6-T-96	Brigadier	A.V. TREMAINE	Gen List	19 Jan 49 - 12 Oct 49
TK 10001	Brigadier	H.H. ANGLE	Gen List	22 Jan 49 - 17 Jul 50
6-V-7	Major	M.F.P. VALLEE	RCIC	18 Jan 49 - 14 Jun 49
TH 8868	Major	W.H.L. SELLINGS	RCE	20 Jan 49 - 18 Jul 49
TC 41635	Lt-Col	A.G. WYGARD	C Int C	30 Jun 49 - 18 Jan 50
TH 8857	Major	W.R. THOMPSON	RCA	11 Jul 49 - 11 Jul 51
TF 6450	Major	C.D. IVES	RCA	4 Jul 49 - 1 Jul 54
ZD 3957	Major	Guy VAUGEOTIS	RCIC	8 Aug 49 - 22 Oct 50
TK 10196	Major	H.S.G. ARSHBOLD	RCIC	1 Sep 49 - 10 Jan 51
TK 10121	Major	F.E. EATON	RCA	1 Sep 49 - 31 Aug 50
TK 95670	Major	J.L. MALKIN	RCIC	1 Sep 49 - 20 Apr 51
TM 12204	Major	H.S. MOORE	RCIC	5 Sep 49 - 31 Aug 50
ZG 299	Capt	E.M. MURRAY	RCIC	4 May 50 - 10 Aug 51
ZG 2951	Capt	J.S. ROXBOROUGH	RCAC	31 May 50 - 31 Aug 51
19580	S / L	J.D. HOPKINS	RCAP	27 May 50 - 29 Jul 51
ZP 1588	Col	D. MENARD	Gen List	30 Sep 50 - 6 Aug 51
ZP 1742	Lt-Col	N.E.P. GARNEAU	RCIC	30 Sep 50 - 30 Jan 52
TC 39420	A/Maj	G.B. FULLER	RCASC	30 Sep 50 - 7 Sep 51
ZM 160	Col	H.M. CATHCART	Gen List	2 Aug 51 - 4 Aug 52
ZP 1429	Major	J. PRAYSNER	RCIC	8 Aug 51 - 25 Aug 52
ZM 310	Major	J.C. CHARTRES	RCAC	10 Sep 51 - 1 Dec 52
TA 228	Lt-Col	T.E. O'REILLY	RCIC	7 Jan 52 - 1 Jul 53
TL 11344	Major	W.R. BAILEY	RCIC	7 Jan 52 - 15 Jan 53
TK 19648	Major	D.C. BARKER	RCA	7 Jan 52 - 22 Jan 53
TG 7871	Capt	D.H. CRUIKSHANK	RCA	7 Jan 52 - 15 Jul 52
ZP 1400	Major	E.M. HODSON	RCA	16 Jan 52 - 9 Sep 52
TA 32198	Lt-Col	A.H. JARVIS	RCASC	14 Jul 52 - 21 Sep 52
TD 4498	Major	G.C. LEWIS	RCAC	3 Aug 52 - 13 Aug 53
ZF 5856	Major	R.G.G. BUELL	RCA	21 Aug 52 - 1 Sep 53
TC 3190	Capt	W.J. PANAGAPKO	C Pro C	22 Jan 53 - 6 Feb 54
TB 1949	Major	G.A. BEVAN	RCA	30 Jan 53 - 29 Mar 54
TD 3964	Major	M. BLUTEAU	RCIC	16 Apr 53 - 17 Apr 54
TC 3159	Major	N.G. GUTHRIE	RCAC	28 Jul 53 - to date
TK 96108	Lt-Col	S.W. THOMSON	RCIC	28 Jul 53 - " "
TC 2742	Major	J.H. TURPIN	RCIC	27 Sep 53 - " "
TC 3084	Major	G.M. McLELLAND	RCIC	14 Feb 54 - " "
TB 1084	Major	G.P. COPEMAN	RCASC	28 Feb 54 - " "
TK 95905	Major	D.A. HAY	RCIC	17 Apr 54 - " "
TD 4137	Lt-Col	J.J.W.R. PAQUIN	RCIC	15 Jul 54 - " "

K O R E A

ZP 1715	Lt-Col	F.E. WHITE	RCAC	22 Jul 50 - 29 Jan 51
20902	W / C	H. MALKIN	RCAP	6 Jul 50 - 5 Mar 51

PALESTINE

ZB 245	Lt-Col	D.R. ELY	RCA	11 Feb 54 - to date
ZP 1296	Lt-Col	J.E.L. CASTONGUAY	RCIC	11 Feb 54 - " "
	Major	M. BREAUULT	RCIC	31 May 54 - " "
	Capt	L.W.A. BARDEN	RCOC	31 May 54 - " "

REPORT OF THE UNITED NATIONS COMMISSION ON KOREA
 Covering the period from 15 December 1949 to 4 September 1950
 GENERAL ASSEMBLY OFFICIAL RECORDS: FIFTH SESSION
 Supplement No.16 (A/1350)
 Pages 40-41
 ANNEX 4

REPORT OF FIELD TRIPS CARRIED OUT BY UNITED NATIONS COMMISSION ON KOREA FIELD OBSERVERS ALONG
 THE 38th PARALLEL (A/AC.26/II/EMDOC 1.)

PART I
 DIARY

PART II

THE GENERAL SITUATION ALONG THE 38th PARALLEL

The principal impression left with the observers after the field tour along the parallel is that the South Korean Army is organized entirely for defence, and is in no condition to carry out an attack on a large scale against the forces of the North. This impression is based upon the following main observations:

- (1) The South Korean Army in all sectors is disposed in depth. The parallel is guarded on the southern side only by small bodies of troops located in scattered outposts together with roving patrols. There is no concentration of troops, and no massing for attack visible at any point.
- (2) At several points the North Korean forces are in effective possession of salients on the south side of the parallel, occupation in at least one case being of fairly recent date. There is no evidence that South Korean forces have taken any steps or are making any preparations to eject North Korean forces from any of these salients.
- (3) A proportion of the South Korean forces are actively engaged in rounding up guerrilla bands that have infiltrated into the mountainous areas in the eastern sectors. It was ascertained that these bands are in possession of demolition equipment and are more heavily armed than on previous occasions.
- (4) So far as the equipment of the South Korean forces is concerned, in the absence of armour, air support and heavy artillery any action with the object of invasion would by any military standards be impossible.
- (5) The South Korean Army does not appear to be in possession of military or other supplies that would indicate preparation for a large-scale attack. In particular there is no sign of any dumping of supplies of ammunition or petrol-oil-lubricant, in forward areas. Roads generally are little used, and apart from a convoy of four trucks taking a company from Kangnam westwards to join in the rounding up of the guerrilla bands, no concentration of transport was anywhere encountered.
- (6) In general, the attitude of the South Korean commanders is one of vigilant defence. Their instructions do not go beyond retirement, in case of attack, upon previously prepared positions.
- (7) There is no indication of any extensive reconnaissance being carried out northwards by the South Korean Army, nor is any undue excitement or activity observed at the Divisional Headquarters or at regimental levels, to suggest preparation for offensive activity. The observers were freely admitted to all sections of the various headquarters, including operations rooms.
- (8) The observers made a special point of inquiring what information was coming in regarding the situation north of the parallel. In some sectors, it had been reported that civilians had recently been moved from areas adjoining the parallel to the north to depths varying from 4 to 8 kilometres. Another report received during the night of Thursday 22 June at the regimental headquarters in Ongjin was to the effect that there was increased military activity in the vicinity of Chwiyu, about 4 kilometres north of the parallel. No reports, however, had been received of any unusual activity on the part of the North Korean forces that would indicate any imminent change in the general situation on the parallel.

PART III. ADMINISTRATIVE MATTERS.

ANSWERS BY MAJOR-GENERAL VAGN BENNIKE, CHIEF-OF-STAFF,
UNITED NATIONS TRUCE SUPERVISION ORGANIZATION,
TO QUESTIONS PUT TO HIM IN THE SECURITY COUNCIL, 29 OCTOBER - 3 NOVEMBER 1953.
United Nations Document S/PV.635, Annex I, pp.6-7, 12-13, 43.
Security Council, 9 November 1953

Question: Representative of the United Kingdom.

6. Would General Bennike explain exactly how the observer corps at his disposal works? Does he believe that there are enough observers? Have they adequate transport and communication? Are they based in Jerusalem or do they cover the whole frontier? In general, could the Chief of Staff say whether in his view the observer corps could be strengthened and, if so, how?

Answer: ...I have 19 military observers at my disposal. Four are serving as chairmen of Mixed Armistice Commissions. One works as my military assistant; another is in charge of Mount Scopus demilitarized area. The others are assigned, according to work load, to Armistice Commissions. Two observers are assigned to the Israeli-Lebanon Commission, four to the Egyptian-Israeli Commission, six to the Israeli-Syrian Commission, and five to the Hashemite Jordan Kingdom-Israel Commission.... For example, the five observers assigned to the Jordan-Israel Commission are based in Jerusalem... They have a border approximately 620 kilometers in length to cover. Each attends to two to three local commanders' meetings per week, in addition to investigation of complaints assigned to him... It is not uncommon for military observers to be called into quick action to obtain a cease-fire; in this they have been very effective....With 620 kilometers of demarcation lines between Israel and Jordan to cover, and the fact that 345 complaints have been handed in so far this year...it is easy to see that the observers' task is not an easy one.... My recommendation has been accepted that the number of observers be increased by seven....My intention is to station four officers on the Israeli side of the line, and three officers on the Jordan side of the Demarcation Line. I believe that with this increase I shall have enough observers... unless the situation should deteriorate, in which case I should ask the Secretary-General to provide more observers.

Question: Representative of France.

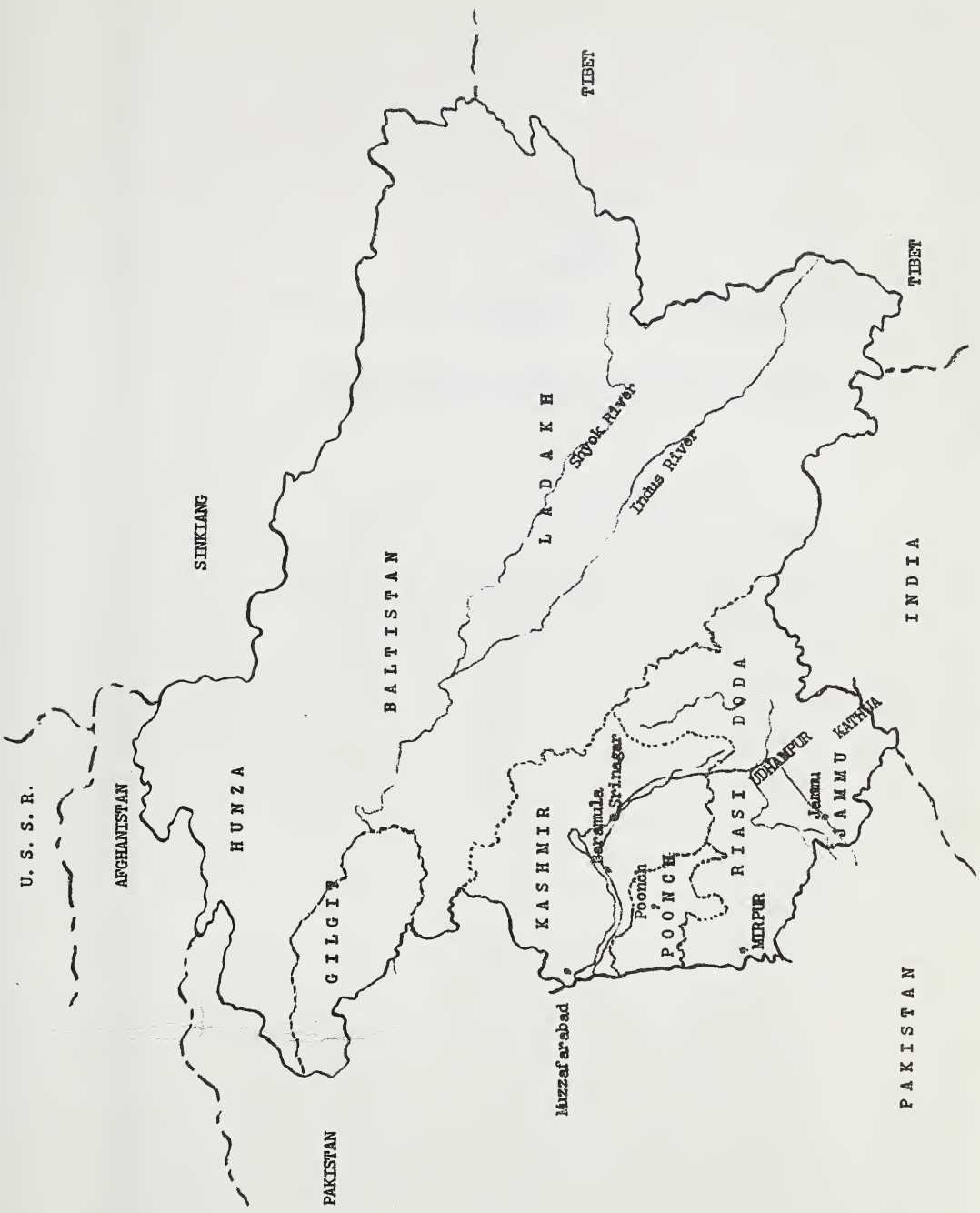
4. My delegation is anxious to know how the supervision of the truce is actually organized, how many observers are at General Bennike's disposal, what active measures these observers can themselves take, how soon after an incident has occurred these observers are able to intervene, and whether they always receive from the local authorities the assistance and cooperation to which they are entitled.

Answer: In accordance with the Security Council resolution of 11 August 1949...the personnel of the Truce Supervision Organization performs two functions. The first is "observing and maintaining the cease-fire"... the second is "assisting the parties to the armistice agreements in the supervision of the application and observance of these terms". With regard to the first, the powers of the Chief of Staff...are derived from the Security Council resolution and United Nations observers acting under my instructions may take measures to observe and maintain the cease-fire. Should an incident involving a breach of the cease-fire occur, observers will be sent immediately to the spot, the authorities of the respective parties will be contacted, and every effort made to bring an end to the incident. With regard to the second, the Security Council resolution makes a distinction...between the Chief of Staff and the personnel of the Truce Supervision Organization under his command....He may delegate his powers as chairman in each Mixed Armistice Commission to a senior officer from the observer personnel. Other personnel from the observers, while remaining under the command of the Chief of Staff, are attached to each Mixed Armistice Commission and employed by it. Their assignments are subject to approval by the Chief of Staff, or his representative.... The active measures which the observers may take and how soon after the occurrence of an incident they are able to intervene depends on whether they are acting with respect to the cease-fire or to the Armistice Agreements, and, if the latter, on the particular rules and practice of the Commission concerned. For the most part, the cooperation and assistance received from the local authorities has been satisfactory.

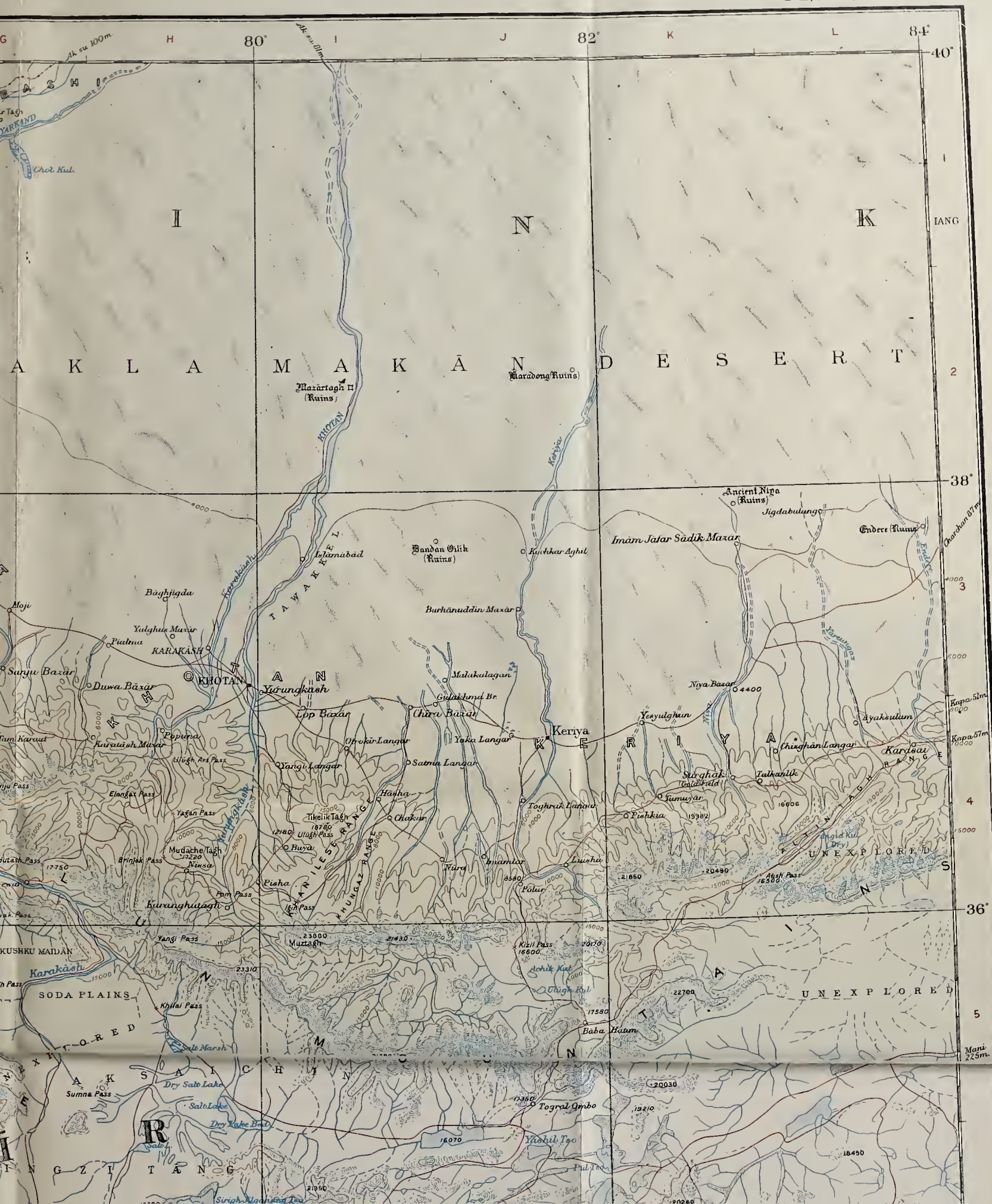
Question: Representative of Greece.

Would General Bennike find it advisable to strengthen the observer corps in such a way as to permit it to play a preventive role? In other words, I wonder whether the presence of observers at certain psychologically dangerous points along the frontier might not perhaps prevent possible frontier incidents.

Answer: I cannot reply in a definitive form to this question, although the experience of the Truce Supervision Organization in its early years, in 1948 and 1949, as well as the experience of the United Nations Military Observer Group in Kashmir, would tend to support the view that the presence of observers at certain points along the cease-fire line is helpful in preventing possible incidents.... The extent to which they can be of assistance in preventing frontier incidents would depend on the increased effectiveness of local commanders' meetings and the cooperation which is extended to them.







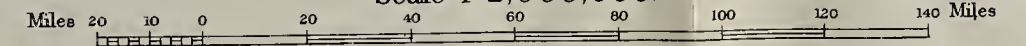


Compiled in N^o 2 Drawing Office, Dehra Dun, from Sheets 42, 43, 51, 52, 60 and 61 of the India and Adjacent Countries series.
Reproduced by AMS from HIND 1080 dated 1944, copied from First Survey of India dated, 1929.

Published under the direction of Brigadier R.H. Thomas, D.S.O., Surveyor General of India, 1929.

Projection: Modified Secant Conical.

Scale 1:2,000,000.

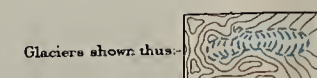


1:014 Inches = 32 Miles.

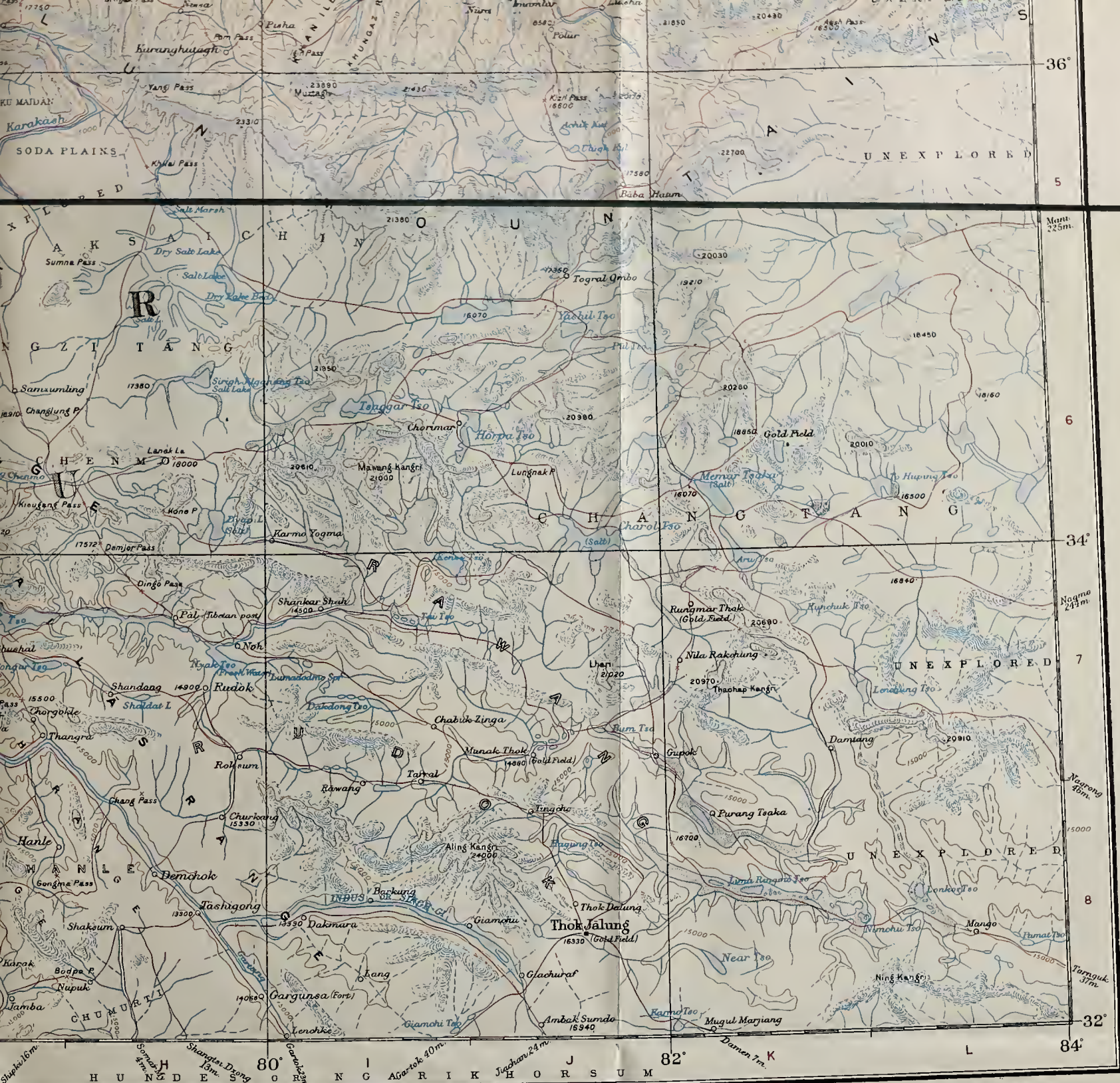


1:969 Inches = 100 Kilometres.

Capital of country	DELHI
Capitals of provinces & head-quarters of districts according to population	BOMBAY POONA DEHRA Bijnor Jalaun
Other towns & villages, according to population	BHATPURA CHANDAUJI MADHA Brindaban Bajpur
Province names	PUNJAB
District names, Tribal names	MIANWALI AFRIDI
Locality names	BARI DOAB
Places of archaeological interest	Elephantia Ellora



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General of India. CORPS OF ENGINEERS, U. S. ARMY MAP SERVICE, 107535 1:50 1944

Gradient tints deleted by AMS, 1949.

0 100 120 140 Miles

150 200 Kilometres

Index to Sheets.

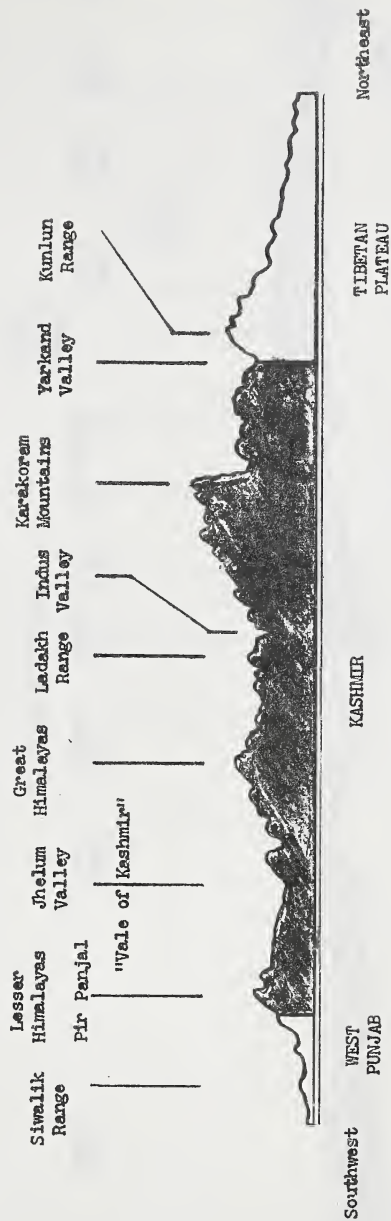
SOVIET TURKISTAN	LAKE BALKASH	CHINESE TURKISTAN
AFGHANISTAN	KASHMIR	NORTH TIBET
BALUCHISTAN	DELHI	BRAHMAPUTRA

1:60,000,000.

Boundaries - International	demarcated	undemarcated
Province (and equivalent administrative areas)	demarcated	undemarcated
District	demarcated	undemarcated
Railways - Broad gauge - Double	Single with station	
Metric gauge		
Other gauge		
Roads - Metalled	Other roads and paths with pass	
Canals		
(1) Capitals of countries or provinces	(2) Head-quarters of districts	(3) Other towns and villages

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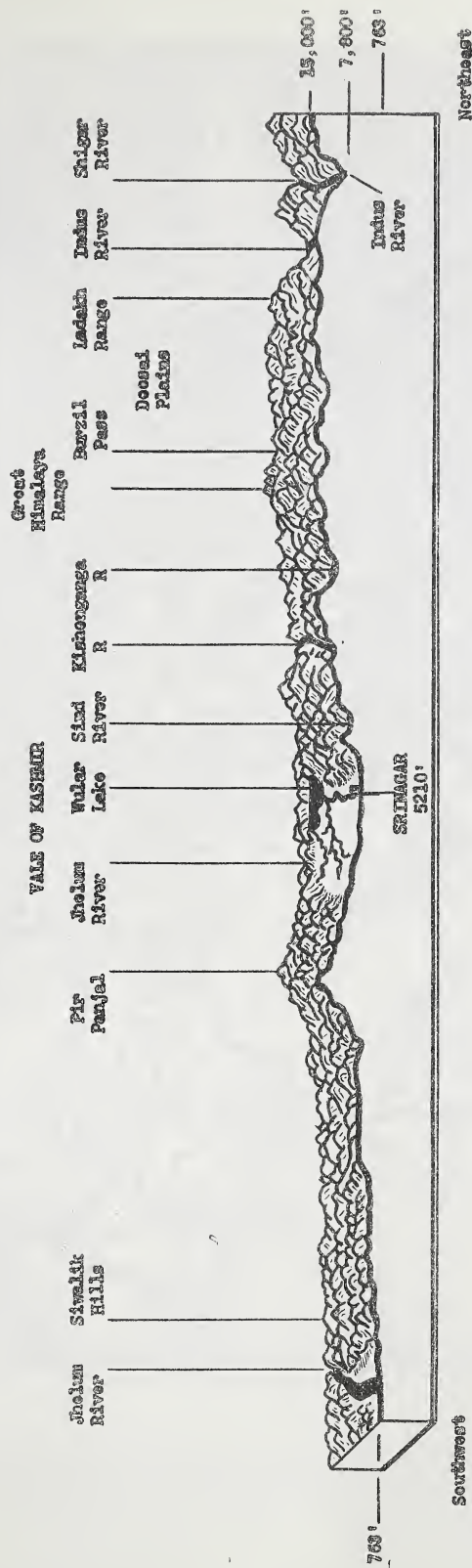




Section across the Western Himalayas, comprising the State of Jammu and Kashmir (shaded portion) with the Punjab Plain on the one side (SW) and the Tibetan Plateau on the other (NE).

Scale
Vertical: 1 inch = 40,000 feet.
Horizontal: 1 inch = 64 miles.

After M.B. Pithawalla, An Introduction to Kashmir, facing p.22.

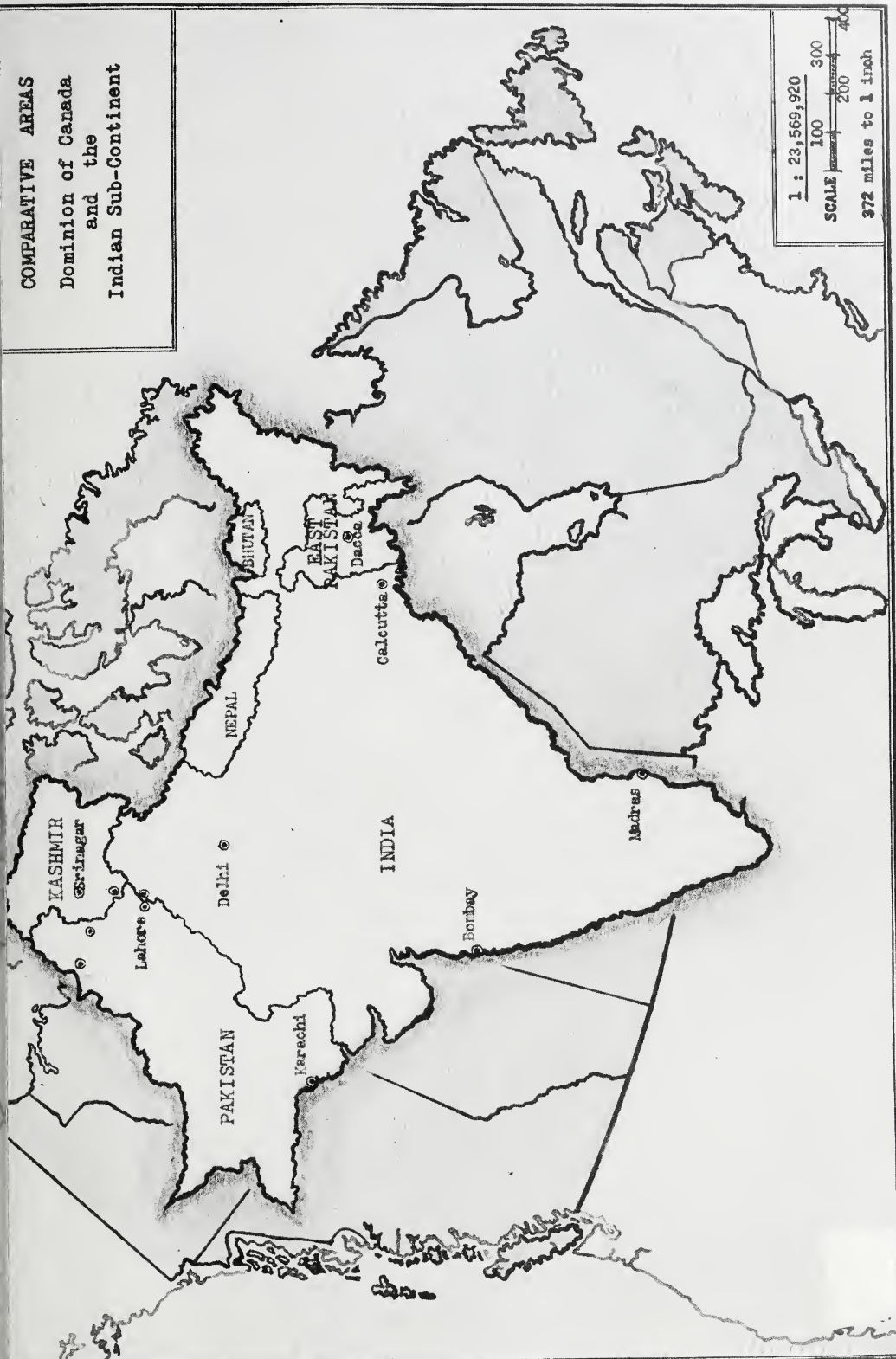


A BLOCK SECTION OF THE KASHMIRI HIMALAYAS

After O.H.K. Spate, India and Pakistan, pp.370-1.

Fig.64 : Pottar to Ladakh

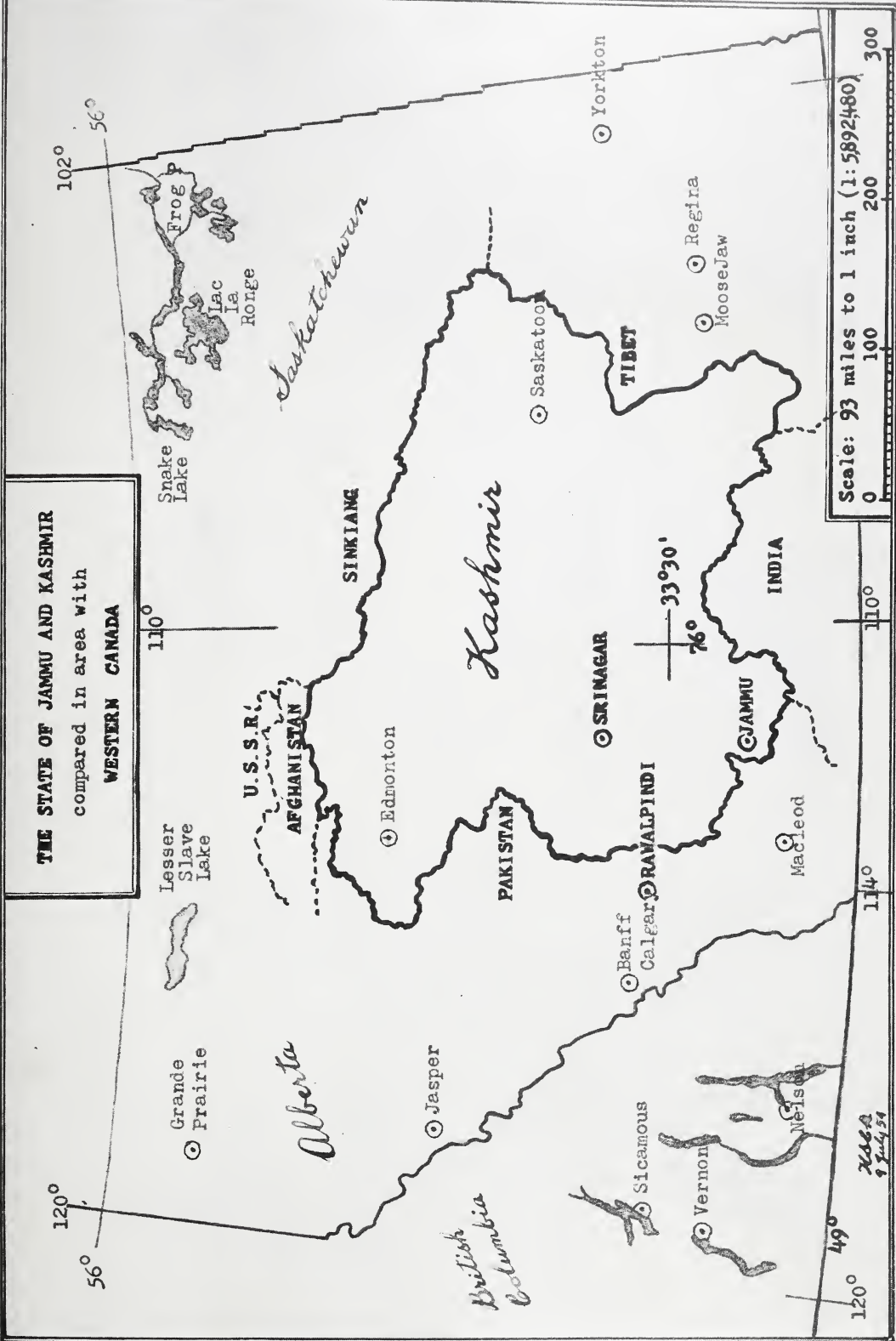
Line of section on bearing 33° for 430 miles, from Jhelum town to the Indus River below the Stryk River confluence.



After ALBER's Conical Equal-Area Projection

Scale: 1 / 5,892,480 (reduced to One-Quarter Size)

CANADA : 93 miles to 1 inch, National Geographic Society, 1936. (Dominion Archives, Ottawa). Standard Parallels: 49° and 66°
 INDIA and BURMA : National Geographic Society, 1946. (Map Library, Geographical Branch, Department of Mines and Technical Surveys, Ottawa; catalogue no. 450a 46N.) Standard Parallels: 9° 40' and 33° 30'



After ALBER's Conical Equal-Area Projection

By direct tracing from National Geographic Society maps of CANADA and INDIA & BURMA previously quoted

THE STATE OF JAMMU AND KASHMIR
as compared in area with part
of **ONTARIO and QUEBEC**

Scale

93 miles to 1 inch (1:5892480)

0 100 200



After ALBER's Conical Equal-Area Projection

By direct tracing from National Geographic Society maps of CANADA and INDIA & BURMA previously quoted.

FOS-12/53

INFORMATION PERTAINING TO
UNITED NATIONS MILITARY OBSERVER GROUP
IN INDIA AND PAKISTAN

INTRODUCTION

The following information pertaining to the United Nations Military Observer Group in India and Pakistan is furnished for the guidance of Nations selecting Observers for assignment to the Mission and to assist the individual Observer in his preparation for going to India-Pakistan.

SECTION I: ORGANIZATION AND FUNCTIONS OF THE UNITED NATIONS MILITARY
OBSERVER GROUP IN INDIA AND PAKISTAN

A. ORGANIZATION AND MISSION

1 UNMOGIP is organized into Headquarters, Field Observer Teams, and Local Staff and Liaison Offices. Headquarters consists of the Chief Military Observer, his staff, and United Nations civilian personnel headed by the United Nations Administrative Officer. Each Field Observer Team includes Military Observers and usually United Nations civilian Signals Officers. Local Staff and Liaison Offices include Military Observers and United Nations civilian personnel.

2 Under the direction of the Chief Military Observer, UNMOGIP functions as an operational and administrative Unit charged with the mission of supervising the implementation of the Cease-Fire Agreement in Kashmir and of maintaining the effectiveness of that Agreement.

SECTION II: PERSONNEL - GENERAL INFORMATIONA. REQUIREMENTS PRIOR TO DEPARTURE FOR INDIA AND PAKISTAN1 Passport and International Health Certificate

(a) Passports are required and must include visae for all countries where a stop-over is made en route and for the duration of stay in India and Pakistan. The passport should carry an entry reading:- "For service with the United Nations Military Observer Group in India and Pakistan for a period of one year". It is recommended that all Observers be furnished with a diplomatic passport to expedite clearance through the various customs offices.

(b) A minimum of three passport-size photographs of the Observer in uniform should be brought along to expedite preparation of United Nations identification cards upon arrival at UNMOHQ.

(c) An International Health Certificate must be in the possession of the traveller at all times. It must contain certification of immunization against the following diseases:

Smallpox	Yellow Fever
Typhus	Cholera
Typhoid Fever	Tetanus

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

REPORT

The following report was prepared by the Bureau of Land Management, Department of the Interior, for the purpose of providing information to the public regarding the status of the land resources of the United States.

REPORT OF THE BUREAU OF LAND MANAGEMENT
ON THE STATUS OF THE LAND RESOURCES OF THE UNITED STATES

1. SUMMARY

The land resources of the United States are being rapidly depleted. The Bureau of Land Management has been authorized to acquire and manage the public lands of the United States. The Bureau has been authorized to acquire and manage the public lands of the United States. The Bureau has been authorized to acquire and manage the public lands of the United States.

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2. THE BUREAU OF LAND MANAGEMENT

3. THE STATUS OF THE LAND RESOURCES OF THE UNITED STATES

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FOS/12/53

SAMPLE LETTER TO UNMOGIP MILITARY OBSERVERS

The _____ to the United Nations has informed this Service of your appointment to the United Nations Military Observer Group in India and Pakistan, and your availability as of _____

The United Nations will make arrangements for your travel from _____ to _____ Details concerning your travel will be forthcoming as soon as final arrangements have been made.

..... The attached leaflet has been issued for the guidance of Military Observers assigned to UNMOGIP. Your special attention is drawn to the sections dealing with passports and visae. The following inoculations are required for the area: smallpox, typhus, yellow fever, typhoid fever, cholera and tetanus.

The present per diem is \$10.00 and is subject to revision from time to time, both as to amount and method of payment, i.e. in dollars or local currency.

A claim for reimbursement of your travel expenses should be submitted to the Administrative Officer in the field. It is recommended, but not essential, that you obtain Indian and Pakistani rupees for the defrayment of incidental expenses upon arrival. If you are having unaccompanied baggage follow you, you should obtain a Landing Certificate upon arrival in India or Pakistan in order to clear same when it arrives.

For reporting and mailing purposes, the following will be the address:

1 May to 31 October

Major
c/o Mr. George Lansky,
Administrative Officer
UNMOGIP
Shankar Villa
Srinagar, Kashmir

1 November to 30 April

Major
c/o Mr. George Lansky,
Administrative Officer
UNMOGIP
216D Sale Road
Rawalpindi, Pakistan

Very truly yours,

Carey Seward, Chief
United Nations Field Operations Service

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cc: UNMOGIP

01/25/2011

2 Transportation to India and Pakistan

(a) Transportation to India and Pakistan from all countries will be accomplished at United Nations expense and usually by air. Each Observer is allowed a normal weight of 66 lbs. and an excess of 44 lbs. of baggage to be transported by air. Additional baggage to be shipped by surface transportation at United Nations expense may not exceed 200 lbs. or 20 cubic feet of space. Sea baggage rates are determined by cubic feet and inland transportation rates by rail or truck are governed by weight, therefore, a shipment that exceeds either of the above dimensions will usually incur excess charges that are payable by the traveller.

(b) Surface baggage should be addressed as follows:

c/o United Nations Information Centre
Opposite Merewether Tower
Bunder Road
Karachi, Pakistan

(c) Surface baggage is received from two to four months after the Observer arrives. Shipping agencies should be instructed to forward copies of bills of lading to the Observer to ensure that baggage will be released to the owner upon arrival.

(d) The same baggage allowance is authorized for the return journey.

B. CONDITIONS ENCOUNTERED ON THE SUB-CONTINENT

1 Arrival

All Observers will arrive in New Delhi, India, or Karachi, Pakistan, where they will be met by the United Nations Liaison Officer who will arrange further travel to UNMOHQ for briefing and assignment.

2 Nature of Observer Assignment

Military Observers are posted as Field Teams with local Army formations situated along the 450 mile Cease-Fire-Line. These Teams are usually situated on opposite sides of the Cease-Fire-Line to facilitate joint investigations of controversial incidents. Postings are changed every three months and, whenever practicable, rotated for duty between the Indian and Pakistan Armies. This rotation is accomplished in the interest of impartiality of viewpoint, to aid in sustaining the morale of the Observer and to broaden his knowledge and experience in the Kashmir problem. Field conditions prevail in most stations with climatic conditions varying from cold and snow in the northern regions to temperatures up to 120 degrees fahrenheit in the south.

3 Living Conditions

(a) In Rawalpindi and Srinagar, fair hotel accommodation is available. In Srinagar, houseboats are also obtainable as living quarters. In the field, the Observer Teams are billeted with an army formation or unit headquarters and the quarters provided vary greatly. Some Observers live in tents, some in stone or mud Kashmiri houses and others in locally constructed huts. In winter, heating of living quarters becomes a major problem.

(a) The first of these is the fact that the American Medical Association is a voluntary association of physicians and surgeons, and as such it has no authority to compel any physician to do anything. It is a body of men who are free to do as they please, and who are not bound by any law or regulation. It is a body of men who are free to do as they please, and who are not bound by any law or regulation. It is a body of men who are free to do as they please, and who are not bound by any law or regulation.

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THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION

CHICAGO, ILL., MAY 1, 1919

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THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION

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THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION

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(b) Sanitation is primitive, with a fair amount of supervision being exercised by the Army medical authorities of both Armies. In hotels and houseboats, little can be done to improve sanitary measures being taken by personal servants or hotel employees.

(c) Food varies widely in different localities. In general the principal diet consists of mutton curry, rice and dhal. The greatest lack in diet is fresh vegetables. While the local diet is decidedly different from the diet to which most Observers are accustomed, many have acquired a taste for this highly seasoned food. The food is low in vitamin content, however, vitamin tablets are provided to supplement this deficiency. The food in the hotels and houseboats of Rawalpindi and Srinagar may be classified as good and is the only source of English-style food.

(d) Although the water provided in the field is inspected by the military sanitation inspectors, caution must be exercised when making field trips. Halazone tablets are supplied but do not fully protect.

4 Location of UNMOHQ

During the period 1 May - 31 October, the Headquarters of the United Nations Military Observer Group is located in Srinagar, Kashmir. From 1 November - 30 April, the Headquarters is in Rawalpindi, Pakistan. At both locations, the buildings for quartering the United Nations Military Observer Headquarters (UNMOHQ) are furnished by the respective Army Headquarters. The Chief Military Observer deals directly with the Chiefs-of-Staff or the Commanders-in-Chief of both the Indian or Pakistan Armies in operational or administrative matters.

5 Observers' Dependents

The United Nations undertakes no responsibility for the presence of dependents of Military Observers on the Sub-continent. If an Observer wishes to have them visit India or Pakistan and his own Government and Service permit him to do so, he must realize that no preferential treatment will be accorded him on account of such dependents with regard to leave or postings.

The Military Observer would be well advised to first make himself fully aware of accommodation and transportation problems, passport and permit requirements, expense, and health conditions, as well as the safety of dependents in event of any crisis.

C. CLOTHING AND EQUIPMENT

1 General

(a) Due to the varied terrain, elevations and seasonal changes occurring in the Jammu Kashmir area, personal clothing and equipment needs vary greatly, depending upon the area in which the Observer is assigned. High altitudes in the north cause the winters to be most rigorous, while the valleys and plains afford a tropical climate in the summer. During the monsoon season, the plains areas are subject to torrential rains. The very primitive dwellings at some field stations do not provide the most basic of amenities, consequently, camp kits are essential.

(b) The national Armies and United Nations Headquarters have been advised

that satisfactory winter clothing should be taken by the Observer. For those Observers, however, who have not been properly equipped, winter service uniforms and battle dress can be tailored at New Delhi, Srinagar or Rawalpindi. Prices are high, and only a tailor who has been well recommended should be employed. Winter underwear, wool socks and gloves are obtainable in the local shops or in the Army Officers' shops. Sleeping bags and blankets are also obtainable in the Army Officers' shops.

(c) Procurement of summer uniforms on the Sub-continent presents no problem. The standard uniform is khaki bush shirt and trousers. The cloth may be purchased at the Officers' shops of both Armies and can be tailored at relatively low cost by local tailors. In general, summer uniforms are worn about seven months of the year.

(d) Field equipment such as camp beds, bedding, kerosene lamps and stoves can be purchased at the local Army Officers' shops and are satisfactory for field use.

(e) Clothing deteriorates rapidly on the Sub-continent due to the rough treatment received while travelling around the country. Silverfish and moths play havoc with woollens. Washable fabrics do not last long due to the rough treatment given them by the dhobies (laundry-men). Cotton clothing has a life span of about one-fourth the usual period of serviceability under normal conditions.

2 Clothing and Equipment Guide List

The following clothing and equipment list will serve as a guide to new Observers in preparing their personal effects for use in Kashmir:

<u>Item</u>	<u>Quantity</u>	<u>To be brought with Observer</u>	<u>Local Purchases Acceptable</u>	<u>Not Essential but Desirable</u>
<u>Clothing-Winter & General</u>				
Service dress, woollen	1	x		
Battledress, woollen	2	x		
Greatcoat (overcoat) (a combination greatcoat and raincoat is preferable)	1	x		
Raincoat	1	x		
Service cap, woollen	1	x		
Beret or garrison cap, woollen	1	x		
Tie	2	x		
Gloves, leather	1 pr.		x	
Mittens, leather w/wool lining	1 pr.	x		
Shoes, dress	2 pr.	x		
Boots, mountain or army issue	1 pr.	x		
Slippers	1 pr.	x		x
Dressing gown	1	x		x
Vest (Underwear), woollen	3	x		
Underdrawers, woollen	3	x		
Socks, heavy, woollen	4	x		
Socks, light, woollen	6	x		

<u>Item</u>	<u>Quantity</u>	<u>To be brought with Observer</u>	<u>Local Purchases Acceptable</u>	<u>Not Essential but Desirable</u>
Shirts, heavy, woollen	2	2		
Handkerchieves	12		x	
Towel, bath	3		x	
Towel, face	3		x	
Pajamas, heavy	2	x		
Pajamas, light	2	x		
Pullover, sweater	1	x		
Scarf	1	x		
Gaiters	1 pr.		x	
Civilian clothes		x		x
Sports clothes		x		x
Evening dress		x		x
Parka	1	x		
Trousers, windproof	1	x		

Clothing - summer

Service dress, light, cotton	2	x		
Bush shirt	2		x	x
Trousers	4 pr.		x	
Shorts	2		x	x
Socks	4 pr.	x		
Sun helmet	1		x	x
Riding Breeches	1 pr.		x	x

Camping Kit

Blankets	4		x	
Pillow	1		x	
Pillow cases	2		x	
Bed sheets	4		x	
Sleeping bag	1	x		
Bed roll	1		x	
Bedstead camp	1		x	
Mosquito net	1		x	
Basin	1		x	
Haversack	1		x	
Gasoline or kerosene stove	1		x	x
Gasoline or kerosene lamp	1		x	x
Aluminum cooking kit	1	x		x
Cup	1		x	
Air mattress	1	x		x

A combination tub and wash basin with stand may be purchased, but metal tubs can be borrowed locally from either Army.

Professional Equipment

Field glasses	1	x		x
First aid kit, small	1	x		
Compass, prismatic	1	x		x
Map case	1	x		x
Portfolio (briefcase)	1	x		x

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Item	Quantity	To be brought with Observer			Local Purchases		Not Essential but Desirable	
					Acceptable			
Compass, prismatic	1	x					x	
Map case	1	x					x	
Portfolio (briefcase)	1	x					x	
Torch (flashlight) <u>ESSENTIAL</u>	1	x						
Field knife	1	x						
Thermos flask	1				x			
Sun glasses	1 pr.	x					x	
Cutlery	1 set				x		x	
Water bottle (canteen)	1	x						

Miscellaneous

Toilet articles					x			
Luggage		x						
Portable radio (short wave)					x			
Camera		x						
Films					x			
Golf clubs		x						
Shot gun	x	x						
Fishing tackle		x						

3 Firearms

Firearms are not required in connection with the Military Observer's official duties but he may wish to take guns or ammunition to the mission area for sporting purposes. All arms, however, must be declared to the Customs authorities on arrival. The Observer may be required to surrender such items temporarily but they will be returned as soon as the formalities concerning their clearance have been completed.

4 Equipment Allowance

(a) United Nations grants an equipment allowance to Military Observers to help offset the cost of personal field clothing and equipment which is directly necessitated by reason of service with UNMOGIP, and for which the Observer will have no foreseeable use after his service with the Mission has ended. Accordingly, an allowance of one hundred dollars (\$100.) is paid at the beginning of the second six-months term of duty only if at that time it is believed that a full year's assignment will be completed. The maximum amount payable to any one Observer will be the equivalent of two hundred dollars (\$200.)

(b) The allowance will be approved by the Administrative Officer and paid in local currency upon application by the Military Observer. The proper forms for application for the allowance are available in the Administrative Office.

D. PER DIEM

Travel and subsistence expenses en route and while in the mission area will be defrayed by the United Nations in accordance with its own regulations. Per diem has been temporarily set at \$10.00 and is subject to revision from time to time, both as to amount and method of payment, i.e. in dollars or local currency. This allowance is paid to compensate the Military Observers

for the increase in living expenses resulting from service on the Sub-continent.

Observers and auxiliary personnel furnished by Member States will currently be paid at least 50% of the allowance in local currency and may accumulate not more than 50% to be drawn in dollar instruments when they leave the mission area upon termination of service or upon protracted leave, or, in cases where it is necessary for the support of dependents, up to 50% of the allowance in dollar instruments or other national currencies may be transferred. Observers and auxiliary personnel are responsible for adherence to any currency regulation of the countries to which they are granted permission to transfer funds in other than local currency.

United Nations Headquarters is willing to establish US dollar bank accounts on behalf of Military Observers whose countries permit them to establish such accounts. Such Observers may request the deposit of up to 50% of their per diem and draw it in US dollar instruments at the end of their assignment. This action is taken on the assumption that Observers will obey the currency regulations of their home countries and the regulations of the country of their assignment. Any abuse of the privilege will be reported to the Observer's Government and may also result in the cancellation of these arrangements.

Signature cards for establishing checking accounts with the Chemical Bank and Trust Company, United Nations Branch, New York, are available from the Administrative Officer.

The Administrative Officer is not in a position to advise Observers on the currency regulations of the various national governments represented. Such determinations as are necessary become the responsibility of the individual Observer.

LOCAL CURRENCY

The basic official unit of money in both India and Pakistan is the rupee. The Pakistan rupee is worth approximately 14/10th Indian rupee, in terms of foreign exchange, and conversely, the Indian rupee is worth 7/10th Pakistan rupee.

Both countries issue bills in denominations of 100, 10, 5, 2 and 1 rupees, and coins as follows:

1 pice (3 pies. The term pice is used only in coinage. In counting, only the number of pies is used).	1 anna
1/2 anna (2 pice)	2 annas
	4 annas
	8 annas
	1 rupee (equals 16 annas)

Amounts are shown numerically, e.g. Rs. 3/8/9 (3 rupees, 8 annas, 9 pies). A cheque for this amount is written "Rupees three, annas eight, pies nine only". This system is used in both countries.

The following is a rough approximation of the value of the rupee in comparison with currencies of other countries:

<u>Indian</u>	<u>Other</u>	<u>Pakistan</u>	<u>Other</u>
1 rupee	21 cents US	1 rupee	30 cents US
"	22 cents Canada	"	32 cents Canada
"	1-1/2 Kr. Norway	"	2 Kr. Norway
"	1 Kr. Sweden	"	1-1/2 Kr. Sweden
"	1-1/2 Kr. Denmark	"	2 Kr. Denmark
"	1s. 1ld. Australia	"	2s. 8d. Australia
"	1s. 6d. UK		2s. UK

F. MAIL AND PARCELS

1 To India and Pakistan

Mail to the Observer should be addressed as follows:

1 May to 31 October

c/o Administrative Officer
UNMOGIP
Shankar Villa
Srinagar, Kashmir

1 November to 30 April

c/o Administrative Officer
UNMOGIP
216D Sale Road
Rawalpindi, Pakistan

The Observer should advise his correspondents to address all parcels to him as follows:

c/o United Nations Information Centre
Opposite Merewether Tower
Bunder Road
Karachi, Pakistan

Parcels, newspapers and periodicals cannot be forwarded to Military Observers by the United Nations. It is therefore suggested that the Observer make arrangements prior to his departure to have such items forwarded directly to him in the mission area.

2 From India and Pakistan

Parcels from India and Pakistan should be sewn in cloth, and the seams secured with wax seals with a distance of not more than two inches between them. As the post office glue is unsatisfactory, Scotch tape should be used. It is recommended that letters be sent by registered mail, which costs an additional four annas. If practicable, see the stamp cancelled. This does not apply to the cheaper "air letter" on which the stamp is printed.

G. CUSTOMS

By Act XLVI of 1947 of the Indian Government, and Act XX of 1948 of the Government of Pakistan, Military Observers are exempt from customs duty on unaccompanied personal effects which were the property of the Observer at the time of his entry into India and Pakistan and which arrive during the subsequent four month period. This does not include motor vehicles of any description. Gifts are not necessarily exempt from duty.

In case of difficulty, the UN Administrative Officer should be consulted before payment of any customs duty claimed.

The following is a summary of the value of the goods in the following table:

Item	Value	Item	Value
1. 100 lbs. of sugar	10.00	1. 100 lbs. of sugar	10.00
2. 100 lbs. of sugar	10.00	2. 100 lbs. of sugar	10.00
3. 100 lbs. of sugar	10.00	3. 100 lbs. of sugar	10.00
4. 100 lbs. of sugar	10.00	4. 100 lbs. of sugar	10.00
5. 100 lbs. of sugar	10.00	5. 100 lbs. of sugar	10.00
6. 100 lbs. of sugar	10.00	6. 100 lbs. of sugar	10.00
7. 100 lbs. of sugar	10.00	7. 100 lbs. of sugar	10.00
8. 100 lbs. of sugar	10.00	8. 100 lbs. of sugar	10.00
9. 100 lbs. of sugar	10.00	9. 100 lbs. of sugar	10.00
10. 100 lbs. of sugar	10.00	10. 100 lbs. of sugar	10.00

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H. HEALTH

1 Medical Service and Hospitalization

Both the Indian and Pakistan Armies have agreed to supply medical services and hospitalization to the Observers. Observers requiring medical treatment are admitted to hospitals located in Delhi, Srinagar, Jammu and Rawalpindi. The cost of hospitalization is borne by the United Nations, but the Observer's per diem is reduced accordingly while he is hospitalized.

Medical supplies such as vitamin tablets, Halazone tablets, first aid kits etc. are supplied by the United Nations.

If the Observer is stationed in an area where adequate military medical facilities are not available, civilian doctors may be consulted. Doctors' bills, certified as being correct by the Military Observer, should be forwarded to the UN Administrative Officer for payment.

2 Dental Treatment

Reimbursement will be made for certain types of dental treatment of a medical nature, such as infections of the gums and mouth, or even extractions, which are considered service-incurred illness or injury, if this relationship is reasonably established.

The definition of service-incurred may be outlined further as follows:

- (a) arisen out of, or in the course of, performing official duties;
- (b) occurred as a direct result of any special hazard peculiar to the area; or
- (c) occurred while, and as a direct result of, travelling by means of transportation furnished by the United Nations.

3 Immunization

It is the personal responsibility of each Observer to have in his possession a valid immunization certificate to meet international travel requirements, as well as for maximum protection of health.

The following immunizations are required for personnel serving on the Sub-continent:

- (a) Smallpox every three years
- (b) Cholera every six months.
- (c) Typhoid and Paratyphoid A & B (TAB or TABT) every year.
- (d) Tetanus should be given without delay in the event of a soiled wound. If TABT has been given within a year, Tetanus shot is not required.
- (e) Typhus Fever every year.
- (f) Yellow Fever every four years.

I. COMPENSATION FOR DEATH OR DISABILITY

In the event of death or total disability owing to service in the area, the United Nations has undertaken the obligation of providing compensation in the amount of twice your annual salary, or \$15,000., whichever is the greater. Compensation for partial disability will be pro-rated in proportion to the disability.

J. LEAVE

United Nations leave is granted for the purpose of maintaining maximum operating efficiency of the individual Military Observer. It is provided to enable the Observer to recuperate from severe working and living conditions. It should be remembered that this leave is a privilege and can only be taken when the exigencies of service with UNMOGIP permit and is subject at all times to the discretion of the Chief Military Observer.

United Nations leave has no relevancy to military leave accrued under the regulations of the various military services providing Military Observers to United Nations. Per diem is paid while on authorized United Nations leave, subject to certain conditions.

Accrued mission leave with per diem cannot be taken after termination of an Observer's service with UNMOGIP.

K. RECREATIONAL FACILITIES

Under the UN leave policy, there is ample opportunity for recreation. Visits can be made to cities in India, Pakistan or Kashmir, such as Delhi, Agra, Srinagar, Lahore, Peshawar, etc. Suitable accommodation at hotels or residential clubs is available in all of the large cities.

In Kashmir, trout fishing ranks with the finest in the world. Some fishing tackle is available for hire locally. The streams are generally restricted to fly fishing only, but there is water where spinning is permitted. Most of the fishing is wet fly with large salmon type flies.

In India and Pakistan, as well as Kashmir, the hunting is excellent. Big game, birds, duck, geese and small game are in abundance. Ammunition is available but expensive and shot guns are expensive if procured locally.

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